

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Charles E. Bullock
Chief Administrative Law Judge

In the Matter of

CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE SEPARATORS,
COMPONENTS THEREOF, AND PRODUCTS
CONTAINING SAME

Investigation No. 337-TA-1087

**COMPLAINANTS' UNOPPOSED MOTION FOR LEAVE TO
AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION**

Pursuant to Commission Rule 210.14(b) and 19 C.F.R. § 210.14(b), Complainants LG Chem, Ltd., LG Chem Michigan, Inc., LG Chem Power, Inc. and Toray Industries, Inc. (collectively, "Complainants") submit this unopposed motion for leave to amend the Complaint and the Notice of Investigation.

Complainants request leave to correct the name of current Respondent DJI Technology Co., Ltd. to SZ., Ltd. as a Respondent. A copy of the proposed Amended Complaint accompanies the attached supporting memorandum as Exhibit A. For the reasons set forth in the attached Memorandum, good cause exists to allow Complainants to amend the Complaint and to issue an initial determination modifying the Notice of Investigation to the same effect.

Ground Rule 3.2 Certification

Complainants met and conferred with Respondents on December 21, 2017. Respondents informed Complainants they do not oppose the instant motion.

Dated: January 3, 2018

Respectfully submitted,

FISH & RICHARDSON P.C.

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Chem Michigan, Inc., LG Chem Power, Inc.
and Toray Industries, Inc.*

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**MEMORANDUM IN SUPPORT OF
COMPLAINANTS' UNOPPOSED MOTION FOR LEAVE TO
AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION**

Pursuant to 19 C.F.R. § 210.14(b), Complainants LG Chem Ltd., LG Chem Michigan, Inc., LG Chem Power, Inc., and Toray Industries, Inc. (collectively, "Complainants") hereby request leave to amend the Complaint in this Investigation to correct the name of current Respondent DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd. The proposed Amended Complaint is attached as Exhibit A. Complainants further request an initial determination amending the Notice of Investigation accordingly.

Complainants' motion is unopposed.

I. Factual Background

In the Complaint, Complainants allege that current respondents DJI Technology Co., Ltd. and DJI Technology, Inc. (collectively, "DJI") manufacture and distribute in the United States products (such as drones and aerial photography systems) containing the accused lithium ion batteries containing composite separators. *See* Compl. at ¶ 17.

Prior to institution of this Investigation, on November 9, 2017, DJI Technology Co., Ltd. and DJI Technology, Inc. submitted a Statement on the Public Interest without reference to SZ DJI Technology Co., Ltd. *See* EDIS Dkt. No. 628600. After institution of the Investigation, counsel entered a Notice of Appearance on behalf of DJI Technology Co., Ltd. on November 27, 2017, *see* EDIS Dkt. No. 629866, and served joint discovery requests on November 29, 2017 and November 30, 2017, without referring to SZ DJI Technology Co., Ltd. Complainants were not aware that the correct entity name was SZ DJI Technology Co., Ltd., until counsel for DJI informed Complainants on December 13, 2017, when DJI served a set of discovery requests, and included the following in a footnote:

Complainants have incorrectly identified DJI Technology Co., Ltd. in their Complaint. The correct entity name is SZ DJI Technology Co., Ltd. Thus, all of the allegations to DJI Technology Co., Ltd. are faulty for this reason. For purposes of this Response, SZ DJI Technology Co., Ltd. assumes that Complainants will correct this and amend the investigation notice to remove DJI Technology Co., Ltd. and correctly name SZ DJI Technology Co., Ltd. If they do not, SZ DJI Technology Co., Ltd. contends there is a fundamental defect in the Complaint, and as such, an early summary determination is warranted.

See Ex. B, DJI's First Set of Interrogatories to Complainants, December 13, 2017.¹

II. ARGUMENT

A. Legal Standard

A complaint may be amended after institution of an investigation “for good cause shown and upon such conditions are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation.” 19 C.F.R. § 210.14(b).

¹ DJI has since withdrawn these interrogatories.

B. Good Cause Exists to Correct DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd.

Good cause exists to correct DJI's corporate name. Good cause to correct the name of a respondent has been found to exist where the correct name was not known prior to filing, the complaint properly described the activities of the respondent, the respondent received notice of the allegations, and the correction would prevent confusion. *See Certain Ground Fault Circuit Interrupters and Prods. Containing Same*, Inv. No. 337-TA-739, Order No. 13 at 2, 2010 WL 5191382 (Dec. 20, 2010); *see also Certain Foldable Stools*, 337-TA-693, Order No. 4 at 1-2, 2010 WL 231558 (Jan. 19, 2010). All of these factors are present here. SZ DJI Technology Co., Ltd. was able to file a Statement on the Public Interest, enter a Notice of Appearance, and serve discovery requests. Complainants were not notified until December 13, 2017 that SZ DJI Technology Co., Ltd was the correct entity name. Correcting the name of DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd. will not prejudice any party and will serve the public interest by preventing any potential confusion.

III. CONCLUSION

For these reasons, Complainants respectfully request leave to amend the complaint to correct the name of DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd. Complainants further request an initial determination amending the Notice of Investigation accordingly.

Dated: January 3, 2018

Respectfully submitted,

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*Counsel for Complainants LG Chem, Ltd., LG
Chem Michigan, Inc., LG Chem Power, Inc.
and Toray Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing document, **COMPLAINANTS' UNOPPOSED MOTION FOR LEAVE TO AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION** have been filed and served on this 3rd day of January, 2018, on the following:

<p>Lisa R. Barton Secretary to the Commission U.S. International Trade Commission 500 E Street, S.W. Washington, D.C. 20436</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Filing (EDIS)</p>
<p>The Honorable Charles E. Bullock Chief Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W. Washington, DC 20436 Benjamin.Richards@usitc.gov William.Slaven@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>
<p>Harold H. Davis, Jr. K&L Gates LLP Four Embarcadero Center Suite 1200 San Francisco, CA 94111 Tel: 415.882.8200 Fax: 415.882.8220 ATL-DJI-1087@klgates.com <i>Counsel for Amperex Technology Limited, DJI Technology Co., Ltd., DJI Technology, Inc., Guangdong OPPO Mobile Telecommunications Corp., Ltd., and OPPO Digital, Inc.</i></p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>
<p>Sturgis M. Sobin Maureen F. Browne Brian G. Bieluch COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001 Telephone: (202) 662-6000 OPPO337-1087@cov.com Ruixue Ran COVINGTON & BURLING LLP</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>

<p>2301 Tower C Yintai Centre 2 Jianguomenwai Avenue, Chaoyang District, Beijing 100022 CHINA Tel: +86 (10) 5910 0591 OPPO337-1087@cov.com</p>	
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*Counsel for Respondents Guangdong OPPO Mobile
Telecommunications Corp., Ltd. and OPPO Digital, Inc.*

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

Exhibit A

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

In the Matter of

CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE
SEPARATORS, COMPONENTS THEREOF,
AND PRODUCTS CONTAINING SAME

Investigation
No. 337-TA-1087

**AMENDED COMPLAINT OF LG CHEM, LTD., LG CHEM MICHIGAN
INC., LG CHEM POWER INC., AND TORAY INDUSTRIES, INC.
UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

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LG Chem Power Inc.
1857 Technology Dr.
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Toray Industries, Inc.
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Tokyo, Japan

PROPOSED RESPONDENTS:

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2.	Certified copy of U.S. Patent No. 7,638,241 (“the ’241 patent”)
3.	Certified copy of U.S. Patent No. 7,709,152 (“the ’152 patent”)
4.	Certified assignment of the ’517, ’241 and ’152 patents
5.	Corporate information for Amperex Technology Limited (“ATL”) from Hoover’s
6.	ATL website – Contact Us
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34.	CONFIDENTIAL: Patent Agreements between LGC and Toray
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- A. Certified copy of file wrapper for '517 patent
- B. References Mentioned in the Prosecution History of the '517 patent
- C. Certified copy of file wrapper for '241 patent
- D. References Mentioned in the Prosecution History of the '241 patent
- E. Certified copy of file wrapper for '152 patent
- F. References Mentioned in the Prosecution History of the '152 patent

I. INTRODUCTION

1. Complainants LG Chem, Ltd. (“LGC”), LG Chem Michigan Inc. (“LGCMI”), LG Chem Power Inc. (“LGCPI”), and Toray Industries, Inc. (“Toray”) (collectively “Complainants”) request that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation, of certain batteries and electrochemical devices containing composite separators, components thereof, and products containing the same (collectively referred to as “Accused Products”) that infringe valid and enforceable United States patents owned by LGC and Toray.

2. The proposed respondents are Amperex Technology Limited (“ATL”), SZ DJI Technology Co., Ltd. (“DJI”), DJI Technology, Inc. (“DJI USA”), Guangdong OPPO Mobile Telecommunications Corp., Ltd. (“OPPO”), and OPPO Digital, Inc. (“OPPO USA”) (collectively, “Respondents”). Respondents have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of accused products that infringe one or more claims of United States Patent No. 7,662,517 (“the ’517 patent”); one or more claims of United States Patent No. 7,638,241 (“the ’241 patent”); and one or more claims of United States Patent No. 7,709,152 (“the ’152 patent”). The ’517, ’241, and ’152 patents are collectively referred to herein as “the Asserted Patents.”

3. Complainants assert that Respondents directly infringe, contributorily infringe, and/or induce the infringement of at least the following claims of the Asserted Patents (collectively, “the Asserted Claims”), with independent claims in bold:

Patent	Asserted Claims
7,662,517	1 , 2, 5-15, 18
7,638,241	1 -5, 9-12, 14-29, 30 , 31, 33-36
7,709,152	1 -13, 16-20

4. Certified copies of the Asserted Patents accompany this Complaint as Exhibits 1 to 3. Copies of the prosecution histories of the Asserted Patents and references cited therein accompany this Complaint as Appendices A-F. Assignment records for the Asserted Patents accompany this Complaint as Exhibit 4.

5. As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists relating to articles protected by the Asserted Patents.

6. Complainants seek a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States all of Respondents' Accused Products that infringe one or more claims of the Asserted Patents. Complainants also seek permanent cease and desist orders, pursuant to Section 337(f), directing each Respondent to cease and desist from activities including, but not limited to, importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, servicing, repairing, programming, updating, or using such Accused Products in the United States. Complainants also seek the imposition of a bond if Respondents continue to import infringing articles during the 60-day Presidential review period, pursuant to 19 U.S.C. § 1337(j).

II. COMPLAINANTS

7. LGC is a corporation organized under the laws of South Korea, having a principal place of business at 128 Yeoui-daero, Yeongdeungpo-gu, Seoul 07336, South Korea. LGC is a global leader in broad-ranging chemical, material, and energy technologies, including the

development, manufacture, and support of state-of-the-art lithium-ion batteries that are widely used in various electronic and automotive applications around the world.

8. LGCMI is a wholly-owned subsidiary of LGC, existing under the laws of the State of Delaware with its principal place of business at 1 LG Way, MI 49423. LGCMI develops and manufactures lithium-ion batteries at its facilities in Michigan, including individual battery cells as well as fully-assembled battery packs for consumer applications.

9. LGCPI is a wholly-owned subsidiary of LGC, existing under the laws of the State of Delaware with its principal place of business at 1857 Technology Dr., Troy, MI 48083. LGCPI performs, at its Michigan facility, research, development, engineering, design, and packaging of lithium-ion batteries for various automotive and industrial applications.

10. For roughly 70 years since its founding in 1947, LGC has established itself as one of the most respected chemical companies in the world, relentlessly pursuing the enhancement of the quality of life through continuous technological development and breakthrough innovations. More recently, LGC is known as one of the world's largest and most innovative producers of lithium-ion batteries. Its lithium-ion batteries are widely recognized as being among the most compact, lightweight, efficient, and safe. Not surprisingly, LGC retains numerous intellectual property rights covering chemical, mechanical, and electrical technologies, and much more, relating to lithium-ion battery technology.

11. Among LGC's numerous lithium-ion battery innovations is its patented Safety Reinforced Separator ("SRS") technology. SRS offers superior safety through the improvement of the mechanical strength and heat resistance of batteries by applying a ceramic coating to the battery's separator layer, thereby enhancing robustness and reducing the potential for short

circuits inside the battery. As a result of SRS and other innovations, LGC's lithium-ion batteries have enjoyed success in the marketplace.

12. Toray is a corporation organized under the laws of Japan with its principal place of business at Nihonbashi Mitsui Tower 1-1, Nihonbashi-Muromachi 2-chome, Chuo-ku Tokyo, Japan. Toray is a global leader in the integrated chemical industry.

13. Complainants have substantial operations in the United States, including with respect to the Asserted Patents. For example, Complainant LGCMI has research and development, testing and engineering, manufacturing, sales and marketing, and business offices in Holland, MI, where it has invested hundreds of millions of dollars and employs hundreds of workers. Complainant LGCPI has research and development, testing and engineering, manufacturing, sales and marketing, and business offices in Troy, MI, where it has invested tens of millions of dollars and employs hundreds of workers. Through their facilities in Michigan, Complainants supply millions of battery cells each year to automotive manufacturers including General Motors and Chrysler. Given the increasing demand for safe, high-performance lithium-ion batteries in the U.S. marketplace, especially in the automotive industry, Complainants are in the process of further expanding their manufacturing facilities in Michigan, adding hundreds of jobs and hundreds of millions of dollars to the local economy.

14. The Asserted Patents were originally assigned to LGC. In April 2017, LGC executed a deed of assignment through which it conveyed certain rights to—and received certain rights from—Toray. *See Exhibit 4.*

15. Complainants have made and continue to make significant investment in the design, development, and production of products protected by the Asserted Patents. In the United States, Complainants exploit the technology covered by the Asserted Patents through

various activities, including research and development, engineering, manufacturing, and sales, as discussed more fully below. Along with this exploitation of these technologies, Complainants have made significant investments in the United States in facilities, equipment, labor, capital, and research and development as detailed, *infra*. As set forth in more detail herein, Complainants have invested hundreds of millions of dollars in their domestic operations devoted to articles protected by the asserted patents. In addition, Complainants together employ hundreds of workers in Michigan.

III. PROPOSED RESPONDENTS

16. Amperex Technology Limited (“ATL”) is a Chinese corporation having a principal place of business at 3503 Wharf Cable TV Tower, 9 Hoi Shing Road, Tsuen Wan N.T., Hong Kong. *See* Exhibits 5 and 6. ATL also operates several subsidiaries, including Dongguan Amperex Technology Limited based in Dongguan, China and Ningde Amperex Technology Limited based in Ningde, China. *See* Exhibits 5 and 6. According to its website (www.atlbattery.com), ATL is a global company known worldwide for its lithium-ion battery cells and packs. *See* Exhibit 7. In particular, ATL supplies its infringing battery products to “world-renowned branded smartphones, tablets and notebooks OEMs, drones, robots and power tools specialists, VR/AR vanguards and various wearable and smart home technology trailblazers.” *Id.* ATL, or others on its behalf, manufactures the Accused Products in China or another foreign country, and then imports them into the United States, sells them for importation into the United States, sells them after importation into the United States, and/or engages in repair, service, and support related activities regarding the Accused Products.

17. SZ DJI Technology Co., Ltd. (“DJI”) is a Chinese corporation having a principal place of business at 14th Floor, West Wing, Skyworth Semiconductor Design Building, No.18

Gaoxin South 4th Ave, Nanshan District, 518057 Shenzhen, China. *See* Exhibit 8. On information and belief, DJI designs, manufactures, develops, imports, sells for importation into the United States, offers for sale, sells, and/or uses in the United States after importation products, such as drones and aerial photography systems, containing the Accused Products, as well as lithium-ion battery packs for such products. As shown in Exhibit 20, accused battery cells manufactured by ATL are contained in DJI products sold in the United States.

18. DJI Technology, Inc. (“DJI USA”) is a California corporation having a principal place of business at 201 S Victory Blvd., Burbank, CA 91502. *See* Exhibit 9. On information and belief, DJI USA designs, manufactures, develops, imports, sells for importation into the United States, offers for sale, sells, and/or uses in the United States after importation products, such as drones and aerial photography systems, containing the Accused Products, as well as lithium-ion battery packs for such products. On information and belief, DJI USA is the official supplier of DJI products in the United States. As shown in Exhibit 20, accused battery cells manufactured by ATL are contained in DJI products sold in the United States.

19. Guangdong OPPO Mobile Telecommunications Corp., Ltd. (“OPPO”) is a Chinese corporation having a principal place of business at 18 Haibin Road, Wusha, Chang'An Town, Dongguan, 523850, Guangdong, China. *See* Exhibit 10. On information and belief, OPPO designs, manufactures, develops, imports, sells for importation into the United States, offers for sale, sells, and/or uses in the United States after importation products containing the Accused Products. As shown in Exhibit 25, accused battery cells manufactured by ATL are contained in OPPO products sold in the United States.

20. OPPO Digital, Inc. (“OPPO USA”) is a California corporation having a principal place of business at 162 Constitution Dr., Menlo Park, CA 94025. *See* Exhibit 11. On

information and belief, OPPO USA designs, manufactures, develops, imports, sells for importation into the United States, offers for sale, sells, and/or uses in the United States after importation products containing the Accused Products. As shown in Exhibit 23, accused battery cells manufactured by ATL are contained in OPPO USA products sold in the United States.

21. On information and belief, Respondents collectively design, develop, manufacture, sell for importation, export, import into the United States, sell after importation into the United States, lithium-ion batteries and products containing lithium-ion batteries, as further described below.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

22. The technology at issue relates generally to lithium-ion batteries that include separators. As will be described in detail below, the Asserted Patents are directed to features that improve the mechanical strength and heat resistance of separators that are used in lithium-ion batteries, thereby enhancing overall battery safety through enhanced robustness and reduced likelihood of short circuits inside the battery.

23. Batteries are electrochemical devices that store energy electrochemically. At minimum, a battery includes a positive electrode (i.e., cathode), a negative electrode (i.e., anode), a separator, and an electrolyte. The separator provides a physical separation between the two electrodes, and the electrolyte enables the movement of ions between the electrodes. The basic electrochemical unit that contains the electrodes, separator, and electrolyte in a case such as an aluminum pouch is referred to as a “cell,” and a collection of cells that are assembled for use is referred to as a “pack” as a final battery product or in some cases a “module”, e.g., for use in an electric vehicle. In consumer electronics application such as smart phones, a battery pack as a final battery product may have a single cell along with a protection circuit PCB.

24. Lithium-ion batteries are charged and discharged through the movement of ions between the electrodes. During charging, lithium ions travel from the cathode, through the electrolyte, to the anode. During discharging, lithium ions travel back from the anode to the cathode. During this process, the separator provides a barrier between the cathode and the anode so as to prevent electrical short circuits, which can occur when the two electrodes make contact, while still allowing the ions to pass through. Polymer-based separators used in lithium-ion batteries can also provide a shutdown function by which the pores of the separator can close up through a melting process at high temperature to stop the transport of ions. That is, the separator can effectively shut down the cell to prevent a dangerous failure conditions, such as fire or explosion. LGC's SRS technology further improves the safety of lithium-ion batteries as well as the quality of lithium-ion batteries by, among other things, providing a composite separator that includes a ceramic coating layer on a polymer base.

25. Pursuant to 19 C.F.R. § 210.12(a)(12), the Accused Products are: (a) certain of ATL's batteries and electrochemical devices containing composite separators and components thereof, and (b) products containing the same, and components thereof. These batteries, electrochemical devices, and products, without permission, implement LGC's technologies as described and claimed in the Asserted Patents. Such batteries, electrochemical devices, and components thereof include, but are not limited to, ATL cells used in DJI's Phantom 3 drone (e.g., ATL Cell 844297), OPPO's HA-2SE headphone amplifier (e.g., ATL Cell 425882), and OPPO's Mirror 5s smartphone (e.g., ATL Cell 346176). The identification of exemplary models and products is intended for illustration and is not intended to limit the scope of the investigation. Further discovery may reveal additional infringing products. Any remedy should extend to all

present and future infringing products of Respondents regardless of model number or type of product.

V. THE ASSERTED PATENTS

A. The '517 Patent

1. Identification of the Patent and Ownership by LGC

26. U.S. Patent No. 7,662,517 (“the '517 patent”) is entitled “Organic/Inorganic Composite Microporous Membrane and Electrochemical Device Prepared Thereby” and duly and legally issued on February 16, 2010. The '517 patent issued from U.S. Patent Application Serial No. 11/721,259 and claims priority to Korean patent applications KR 10-2004-0110400 and KR 10-2004-0110402, both filed on December 22, 2004. The '517 patent is directed to the separator, which is an element within the lithium-ion battery that is disposed between the cathode and the anode so as to prevent electrical short circuits.

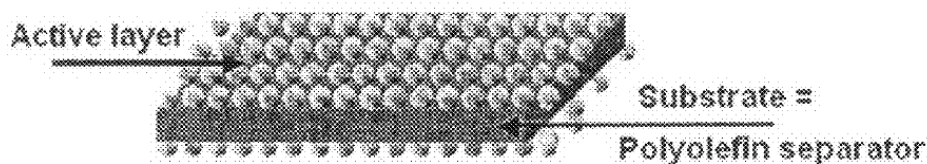
27. At the time of issuance, LGC was the owner, by valid assignment, of the entire right, title, and interest in and to the '517 patent. Prior to issuance, the '517 inventors assigned all right, title, and interest in U.S. Patent Application Serial No. 11/721,259 to LGC. This assignment is recorded at the United States Patent and Trademark Office (“USPTO”) at Reel/Frame 019423/0112. In April 2017, LGC executed a deed of assignment through which it conveyed certain rights to—and received certain rights from—Toray. *See* Exhibit 4. The '517 patent is valid, enforceable, and is currently in full force and effect.

28. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by Appendices A and B containing: (i) a certified copy and three additional copies of the prosecution history of the '517 patent; and (ii) four copies of each reference mentioned in that prosecution history, respectively.

2. Non-Technical Description of the Patented Invention

29. The '517 patent relates to a composite, porous separator structure for lithium-ion batteries, electrochemical devices (i.e., batteries) containing the same, and a method to manufacture such separators.¹ With reference to the exemplary embodiment of Fig. 1 (reproduced below), the composite separator includes (i) a polyolefin-based separator substrate and (ii) an active layer that is formed by coating the polyolefin-based separator substrate. The active layer is made up of an interconnected network of inorganic particles that are held together by a binder polymer and that form interstitial volumes among the particles among the particles to form a pore structure. The polyolefin layer can provide shutdown protection through a melting process, and the active layer made up of inorganic particles provides improved thermal and electrochemical safety. Because both the polyolefin-based separator substrate and the active layer include uniform pore structures, lithium ions can pass through more uniformly for improved electrochemical performance.

FIG. 1



'517 Patent at Fig. 1

3. Foreign Counterparts to the '517 Patent

¹ All non-technical descriptions of the patents herein are presented to give a general background of those inventions. Such statements are not intended to be used, nor should be used, for purposes of patent claim interpretation. Complainants present these statements subject to, and without waiver of, their right to argue that claim terms should be construed in a particular way, as contemplated by claim interpretation jurisprudence and the relevant evidence.

30. The following foreign patent(s) and/or patent application(s) correspond to the '517 patent: WO2006068428, TWI311102, RU2364011, KR100775310, KR 10-2004-0110400, KR 10-2004-0110402, JP2014232730, JP2014082216, JP2013062257, JP5883762, JP2012169284, JP2012124183, JP2012140015, JP2012153897, JP2012167280, JP2012134177, JP2012146677, JP2012132023, JP5460962, EP2763211, EP2763210, EP2528142, EP2528141 (issued in AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS, IT, LI, LT, LU, LV, MC, NL, PL, PT, RO, SE, SI, SK, TR), EP2528140, EP2528139, EP1829139 (issued in AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS, IT, LI, LT, LU, LV, MC, NL, PL, PT, RO, SE, SI, SK, TR), DE202005022139, DE202005022138, DE202005021948, CN102646802, CN101088183, CA2591941, IN2122/KOLNP/2007 and BRPI0518118. No other foreign patents or patent applications corresponding to the '517 patent have been filed, abandoned, withdrawn, or rejected.

B. The '241 Patent

1. Identification of the Patent and Ownership by LGC

31. U.S. Patent No. 7,638,241 (“the '241 patent”) is entitled “Organic/Inorganic Composite Separator Having Morphology Gradient, Manufacturing Method Thereof and Electrochemical Device Containing the Same” and duly and legally issued on December 29, 2009. The '241 patent issued from U.S. Patent Application Serial No. 11/997,948 and claims priority to Korean patent application KR 10-2005-0118315 filed on December 6, 2005. The '241 patent is directed to the separator, which is an element within the lithium-ion battery that is disposed between the cathode and the anode so as to prevent electrical short circuits.

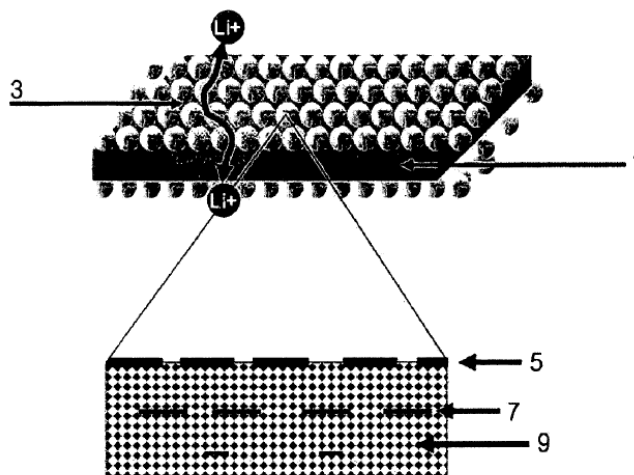
32. At the time of issuance, LGC was the owner, by valid assignment, of the entire right, title, and interest in and to the '241 patent. Prior to issuance, the '241 inventors assigned all right, title, and interest in U.S. Patent Application Serial No. 11/997,948 to LGC. This

assignment is recorded at the United States Patent and Trademark Office (“USPTO”) at Reel/Frame 020465/0308. In April 2017, LGC executed a deed of assignment through which it conveyed certain rights to—and received certain rights from—Toray. *See* Exhibit 4. The ’241 patent is valid, enforceable, and is currently in full force and effect.

33. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by Appendices C and D containing: (i) a certified copy and three additional copies of the prosecution history of the ’241 patent; and (ii) four copies of each reference mentioned in that prosecution history, respectively.

2. Non-Technical Description of the Patented Invention

34. The ’241 patent relates to a composite, porous separator structure for lithium-ion batteries, electrochemical devices (i.e., batteries) containing the same, and a method to manufacture such separators. With reference to Fig. 1 (reproduced below), the composite separator includes (i) a porous substrate and (ii) an active layer that coats the porous substrate. The active layer includes a mixture of inorganic particles and binder polymer. In order to prevent the inorganic particles in the porous active layer from becoming detached and the adhesion characteristics of the separator toward the electrodes from being deteriorated, the ’241 patent teaches increasing the binder polymer content in the surface region of the porous active layer. That is, the binder polymer/inorganic particles ratio is higher at the surface region of the porous active layer than it is inside the layer, thereby providing improved adhesion properties in the upper regions of the active layer. The lower concentration of binder in the lower regions of the active layer help maintain better ionic movement.



'241 Patent at Fig. 1

3. Foreign Counterparts to the '241 Patent

35. The following foreign patent(s) and/or patent application(s) correspond to the '241 patent: WO2007066967, TWI422090, RU2403653, KR100727247, KR 10-2005-0118315, JP5671208, EP1972017 (issued in DE, FI, FR, GB, IT, SE), CN101326658, CA2632364, IN5844/DELNP/2008 and BRPI0620590.

36. No other foreign patents or patent applications corresponding to the '241 patent have been filed, abandoned, withdrawn or rejected.

C. The '152 Patent

1. Identification of the Patent and Ownership by LGC

37. U.S. Patent No. 7,709,152 ("the '152 patent") is entitled "Organic/Inorganic Composite Separator Having Porous Active Coating Layer and Electrochemical Device Containing the Same" and duly and legally issued on May 4, 2010. The '152 patent issued from U.S. Patent Application Serial No. 12/158,934 and claims priority to Korean patent application KR 10-2007-0011818 filed on February 5, 2007. The '152 patent is directed to the separator,

which is an element within the lithium-ion battery that is disposed between the cathode and the anode so as to prevent electrical short circuits.

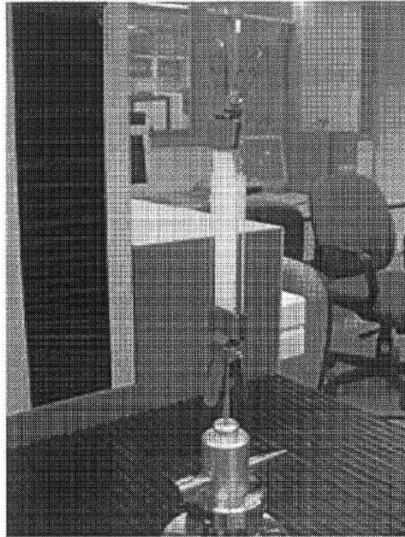
38. At the time of issuance, LGC was the owner, by valid assignment, of the entire right, title, and interest in and to the '152 patent. Prior to issuance, the '152 inventors assigned all right, title, and interest in U.S. Patent Application Serial No. 12/158,934. This assignment is recorded at the United States Patent and Trademark Office (“USPTO”) at Reel/Frame 021257/0011. In April 2017, LGC executed a deed of assignment through which it conveyed certain rights to—and received certain rights from—Toray. *See* Exhibit 4. The '152 patent is valid, enforceable, and is currently in full force and effect.

39. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by Appendices E and F containing: (i) a certified copy and three additional copies of the prosecution history of the '152 patent; and (ii) four copies of each reference mentioned in that prosecution history, respectively.

2. Non-Technical Description of the Patented Invention

40. The '152 patent relates to a composite, porous separator structure for lithium-ion batteries, and electrochemical devices (i.e., batteries) containing the same. In particular, the composite separator includes (i) a polyolefin substrate having pores and (ii) an active layer that coated on the polyolefin substrate. The active layer includes a mixture of inorganic particles and binder polymer. For improved safety and performance, the '152 patent specifies a minimum peeling force between the active layer and the polyolefin substrate as well as a maximum allowable thermal shrinkage of the separator. To this end, in one embodiment, a particular weight ratio of the inorganic particles and the binder polymer is specified. With reference to Fig. 2 (reproduced below), the '152 patent describes various specific testing conditions, such as the

test setup for measuring peeling force shown in Fig. 2, that yielded the required values of peeling force and thermal shrinkage.



'152 Patent at Fig. 2

3. Foreign Counterparts to the '152 Patent

41. The following foreign patent(s) and/or patent application(s) correspond to the '152 patent: WO2008097013, TWI517483, TWI464937, TWI364864, RU2455734, KR100727248, JP6069677, JP5705682, JP4846849, EP2693527, EP2693526, EP2122714, DE202008018204, CN105118949, CN101542777, IN05149/CHENP/2009 and BRPI0806419.

42. No other foreign patents or patent applications corresponding to the '152 patent have been filed, abandoned, withdrawn or rejected.

VI. UNFAIR ACTS OF PROPOSED RESPONDENTS

43. Upon information and belief, Respondents' Accused Products directly infringe, contributorily infringe, and/or induce the infringement of at least the Asserted Claims—*i.e.*, claims 1, 2, 5-15, and 18 of the '517 patent; claims 1-5, 9-12, 14-31, and 33-36 of the '241 patent; and claims 1-13 and 16-20 of the '152 patent. Discovery may reveal that Respondents infringe additional claims of the Asserted Patents.

44. On information and belief, Respondents manufacture, assemble, package and test, and/or purchase the accused batteries, electrochemical devices, and components thereof outside the United States, specifically, at least in China. Respondents then import into the United States, sell for importation, and/or sell within the United States after importation, the Accused Products.

45. By way of example, Respondents DJI and DJI USA have violated Section 337 by importing, selling for importation, and/or selling in the United States after importation products containing the infringing ATL cells and/or packs, such as DJI Phantom 3 drone. Claim charts demonstrating how these representative Accused Products infringe claim 1 of the '517 patent, claim 1 of the '241 patent, and claim 1 of the '152 patent are attached to the Complaint as Exhibits 12, 15 and 18, respectively. Further discovery may reveal additional infringing batteries and electrochemical devices containing composite separators and components thereof, and products containing the same.

46. By way of example, Respondents OPPO and OPPO USA have violated Section 337 by importing, selling for importation, and/or selling in the United States after importation products containing the infringing ATL cells and/or packs, such as OPPO HA2SE headphone amplifier and Mirror 5s smartphone. Claim charts demonstrating how these representative Accused Products infringe claim 1 of the '517 patent and claim 1 of the '241 patent are attached to the Complaint as Exhibits 13, 14, 16 and 17, respectively. Further discovery may reveal additional infringing batteries and electrochemical devices containing composite separators and components thereof, and products containing the same.

47. By way of example, on information and belief, Respondent ATL has violated Section 337 by importing, selling for importation, and/or selling in the United States after importation, products containing the infringing ATL cells and/or packs, such as ATL Cell for

Battery Model A1445, ATL Cell 494397, ATL Cell 356070 for Battery Model BL242, ATL Cell 4242112, ATL Cell 436577, ATL Cell 506274, ATL Cell 346176 for Battery Model BLP577, ATL Cell 425882 for Battery Model BLP591, ATL Cell 844297 for Battery Model PH3-4480mAh-15.2V, ATL Cell 476569, and ATL Cell 426168. Claim charts demonstrating how representative Accused Products infringe claim 1 of the '517 patent, claim 1 of the '241 patent, and claim 1 of the '152 patent are attached to the Complaint as Exhibits 12-18, respectively. Further discovery may reveal additional infringing batteries and electrochemical devices containing composite separators and components thereof, and products containing the same.

48. On information and belief, Respondent ATL also induces, and continues to induce, infringement of the Asserted Patents with specific intent that these acts infringe the Asserted Patents. On information and belief, Respondent ATL actively induces others to infringe the Asserted Patents by selling the Accused Products in the United States and by providing materials and instructions for operation of Accused Products, with the specific intent and knowledge that the materials and instructions direct, teach, or assist others to infringe the Asserted Patents.

49. For example, Respondent ATL has induced infringement of the Asserted Patents by selling and providing lithium-ion cells to Respondents DJI, DJI USA, OPPO, and OPPO USA, without license or authority, for the manufacture of and for the purpose of incorporation into products containing lithium-ion cells for importation and sale in the United States. As shown in Exhibits 12-18, ATL is inducing the infringement of at least claim 1 the '517 patent, claim 1 of the '241 patent, and claim 1 of the '152 patent by others, including manufacturers, distributors, and customers. Respondent ATL induced such infringing acts and knew or should have known that their actions would induce actual infringement of the Asserted Patents. Upon

information and belief, Respondent ATL had actual notice of the Asserted Patents no later than May 11, 2017, when LGC provided Respondent ATL with copies of the Asserted Patents and claim charts for each of the Asserted Patents explaining how Respondent ATL directly infringed, contributorily infringed, and/or induced its customers and users to infringe the Asserted Patents. Respondent ATL also has actual knowledge and notice based on the service of this Complaint by the Commission as well as the filing of a parallel complaint against ATL in the United States District Court for the Eastern District of Michigan on October 25, 2017.

50. On information and belief, Respondent ATL also contributorily infringes certain Asserted Claims through its sale and offers to sell within the United States and/or import into the United States components of the Accused Products, constituting a material part of the Asserted Claims, knowing the same to be especially made or especially adapted for use in an infringement of the Asserted Patents, and not a staple article or commodity of commerce suitable for substantial non-infringing use. For example, on information and belief, the Accused Products and/or components thereof are specifically designed for use in infringement of the Asserted Claims. Due to their specific designs, the Accused Products and/or components thereof do not have any substantial non-infringing uses.

51. Respondents sell the Accused Products with the knowledge that the devices infringe. Upon information and belief, Respondent ATL had actual notice of the Asserted Patents no later than May 11, 2017, when LGC provided Respondent ATL with copies of the Asserted Patents and claim charts for each of the Asserted Patents explaining how Respondent ATL directly infringed, contributorily infringed, and/or induced its customers and users to infringe the Asserted Patents. Respondent ATL also has actual knowledge and notice based on the service of this Complaint by the Commission as well as the filing of a parallel complaint

against ATL in the United States District Court for the Eastern District of Michigan on October 25, 2017.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

52. On information and belief, Respondents, or others on their behalf, manufacture the Accused Products in China or another foreign country and then import them into the United States, sell them for importation into the United States and/or sell them after importation into the United States.

53. Upon information and belief, Respondents DJI and DJI USA import and distribute drones and components for same, including lithium-ion batteries, to customers in the United States. For example, a DJI Phantom 3 battery pack recently purchased in the United States includes labels that state “Made in China.” *See* Exhibit 19. Exhibit 20 shows that ATL Cell 844297 is contained inside the DJI Phantom 3 battery pack purchased in the United States. In addition, importation records obtained from panjiva.com indicate that Respondent DJI USA imports into the United States drones and components for drones from various locations in China including “Shenzhen, Guangdong, China.” *See* Exhibit 21.

54. Upon information and belief, Respondents OPPO and OPPO USA import and distribute electronic devices, such as headphone amplifiers and smartphones, that contain lithium-ion batteries, to customers in the United States. For example, an OPPO HA-2SE headphone amplifier recently purchased in the United States includes labels that state “Assembled in China.” *See* Exhibit 22. Exhibit 23 shows that ATL Cell 425882 is contained inside the OPPO HA-2SE headphone amplifier purchased in the United States. Additionally, an OPPO Mirror 5s smartphone recently purchased in the United States includes labels that state “MADE IN CHINA.” (in Chinese characters “產地: 中國”). *See* Exhibit 24. Exhibit 24 further indicates

that the OPPO Mirror 5s smartphone purchased in the United States was shipped from a warehouse located in the state of New York. Exhibit 25 shows that ATL Cell 346176 is contained inside the OPPO Mirror 5s smartphone purchased in the United States.

55. Upon information and belief, ATL is a global supplier of lithium-ion batteries and supplies many key players in the electronics market with lithium-ion battery cells and/or packs. Upon information and belief, ATL products, including ATL Cell for Battery Model A1445, ATL Cell 494397, ATL Cell 356070 for Battery Model BL242, ATL Cell 4242112, ATL Cell 436577, ATL Cell 506274, ATL Cell 346176 for Battery Model BLP577, ATL Cell 425882 for Battery Model BLP591, ATL Cell 844297 for Battery Model PH3-4480mAh-15.2V, ATL Cell 476569, and ATL Cell 426168, have been and are being sold for importation into the United States for use in sale of the Accused Products. Discovery is expected to reveal additional specific acts of Respondents' importation, sale for importation, and/or sale after importation of the Accused Products.

VIII. CLASSIFICATION UNDER THE HARMONIZED TARIFF SCHEDULE

56. The Accused Products are believed to fall within at least the following classifications of the Harmonized Tariff Schedule of the United States: 8507.60.00, 8507.80.81, 8507.90.80, 8517.12.00, 8518.40.20, 8518.50.00, and 9503.00.00. These classifications are intended for illustration only and are not intended to be restrictive of the Accused Products.

IX. LICENSEES

57. Pursuant to Commission Rule 210.12(a)(9)(iii), licensees to the '517, '241, and '152 patents are shown in Confidential Exhibit 40.

X. DOMESTIC INDUSTRY

58. As required by Section 337(a)(2) and defined by Section 337(a)(3), a domestic industry exists in the United States in connection with articles protected by the '517, '241, and '152 patents.

59. LGC is one of the world's largest lithium-ion battery manufacturers, with significant U.S. market share in both automotive and stationary applications. Two of its wholly-owned subsidiaries in the United States play instrumental roles in both the development and production of articles protected by the Asserted Patents. LGCMI manufactures battery cells incorporating the SRS at a plant in Holland, Michigan. These SRS battery cells are, in turn, either utilized by LGCMI itself as it manufactures battery packs incorporating the cells, or are sold to LGCMI's customers who manufacture their own battery packs. LGCPI, has a facility in Troy, Michigan, where it engages in research, development, customer support, and warranty work with respect to the battery management system that is combined with the cells to make a safe and commercially viable automotive battery pack. Through these subsidiaries, LGC has invested, and continues to invest substantial resources in the United States geared to producing products that incorporate the patented technology and providing these products to U.S. industries.

60. As noted in Section V, the patented technology is directed to LGC's Safety Reinforced Separator ("SRS") used in its lithium-ion battery cells. Battery cells made with the SRS enjoy improved stability and performance, including minimizing the likelihood of internal short-circuits that can lead to a "thermal run-away" situation.

61. Thus, LGC's patented SRS is an integral part of the battery cells in which they are included, giving those cells a physical strength and product reliability that customers have come

to demand in their lithium-ion batteries. It is only by being included in the battery cell that the SRS can perform the role for which it is intended—providing strength and stability, as well as the ability for improved performance, to the battery cell.

62. A battery cell incorporating the SRS is not how the SRS is ultimately utilized in a commercial sense. The SRS battery cells made by LGC are either combined in a “battery pack” and sold to and used by LGC’s customers or sold to a customer who in turn combines the cells into a “battery pack.” As part of the manufacturing and assembly process, the large stack of battery cells in a battery pack is typically grouped into smaller stacks called modules. Several of these modules will be placed in a single battery pack, and within each module the cells are welded together to complete the electrical path for current flow.

63. In modern electric vehicles (including hybrid electric vehicles and plug-in hybrid electric vehicles), the battery pack provides the necessary electrical power. The energy released by the battery pack must be carefully controlled, and an uncontrolled energy release can be caused by shorted cells, abnormally high discharge rate, overcharging, or constant recharging, which can weaken the battery. The battery pack’s battery management system works as an electronic safety and monitoring system designed to prevent these conditions from occurring. It manages the performance and safety of the battery pack and the high levels of electrical energy stored within, and is a necessary element of any battery pack intended for automotive applications.

A. Technical Prong

64. Claim charts demonstrating how Complainants’ lithium-ion batteries are covered by an exemplary claim of each of the Asserted Patents are attached as Confidential Exhibits 28C-33C. Therefore, these lithium-ion battery cells and/or packs containing them are protected by the ’517, ’241, and ’152 patents, and a domestic industry for those articles exists.

B. Economic Prong

65. A domestic industry, under subparts (A), (B), and/or (C) of Section 337(a)(3), exists by virtue of LGCMI's and LGCPI's significant U.S. investment in plant and equipment, significant employment of U.S. labor and capital, and substantial investment in U.S. exploitation of the Asserted Patents, including through production, engineering, research and development, warranty, customer support, and other activities designed to exploit the patented technology. LGCMI's and LGCPI's U.S. investments related to the articles protected by the Asserted Patents are discussed in more detail in the Confidential Declarations of Jang Woo Park, Treasurer of LGCMI and Young Jae Kim, Finance Manager of LGCPI. *See Confidential Exhibits 26C-27C.*

66. LGCMI and LGCPI have made and continue to make significant investment in plant and equipment, a significant employment of labor and capital, and substantial investment in exploitation, in the United States with respect to articles protected by the Asserted Patents. LGCMI and LGCPI have made and continue to make substantial investment in facilities in Holland, Michigan and Troy, Michigan, respectively, where hundreds of individuals are employed. These facilities are located in the heart of the United States automotive industry and enable LGCMI and LGCPI to work closely with U.S. automobile manufacturers who increasingly are using battery cells with Safety Reinforced Separator technology in automotive applications. *See Confidential Exhibits 26C-27C.*

XI. RELATED LITIGATION

67. On October 25, 2017, Complainants filed a complaint in the United States District Court for the Eastern District of Michigan, asserting, *inter alia*, infringement of the '517, '241, and '152 patents by ATL.

XII. REQUESTED RELIEF

68. WHEREFORE, by reason of the foregoing, Complainants request that the United States International Trade Commission:

(a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of Section 337 based on Respondents' unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain batteries and electrochemical devices containing composite separators and components thereof, and products containing the same, that infringe one or more claims of United States Patent Nos. 7,662,517, 7,638,241, and 7,709,152;

(b) Schedule and conduct a hearing on the unlawful acts and, following the hearing, determine that there has been a violation of Section 337;

(c) Issue a permanent limited exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of Respondents' batteries and electrochemical devices containing composite separators and components thereof, and products containing the same, that infringe one or more claims of United States Patent Nos. 7,662,517, 7,638,241, and 7,709,152;

(d) Issue permanent cease and desist orders, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, directing each Respondent to cease and desist from the importation,

marketing, advertising, demonstrating, warehousing inventory for distribution, servicing, repairing, programming, updating, sale and use of batteries and electrochemical devices containing composite separators and components thereof, and products containing the same, that infringe one or more claims of United States Patent Nos. 7,662,517, 7,638,241, and 7,709,152;

(e) Impose a bond upon each Respondent to the extent it continues to import infringing articles during the 60-day-Presidential review period per 19 U.S.C. § 1337(j); and

(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.

Respectfully submitted,

Dated: January 3, 2018

/s/ Lauren A. Degnan

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Counsel for Complainants

LG Chem, Ltd., LG Chem Michigan, Inc., LG

Chem Power, Inc. and Toray Industries, Inc.

Exhibit B

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

**Before the Honorable Charles E. Bullock
Chief Administrative Law Judge**

In the Matter of

**CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE
SEPARATORS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1087

**RESPONDENTS SZ DJI TECHNOLOGY CO., LTD.¹ AND DJI TECHNOLOGY, INC.’S
FIRST SET OF INTERROGATORIES TO COMPLAINANTS LG CHEM, LTD., LG
CHEM MICHIGAN, INC., LG CHEM POWER, INC., AND TORAY INDUSTRIES, INC.
(NOS. 1-7)**

Respondents SZ DJI Technology Co., Ltd. (“DJI”) and DJI Technology, Inc. (“DJI USA”) (collectively, “Respondents” or “DJI Respondents”), pursuant to 19 C.F.R. §§ 210.27 and 210.29, and Ground Rules 9.1 and 9.6, hereby request that Complainants LG Chem, Ltd., LG Chem Michigan, Inc., LG Chem Power, Inc., and Toray Industries, Inc. respond to the following interrogatories, under oath, within ten (10) days of service thereof. The following definitions and instructions below shall apply to these interrogatories.

DEFINITIONS

1. The “517 patent” shall mean U.S. Patent No. 7,662,517.
2. The “241 patent” shall mean U.S. Patent No. 7,638,241.

¹ Complainants have incorrectly identified DJI Technology Co., Ltd. in their Complaint. The correct entity name is SZ DJI Technology Co., Ltd. Thus, all of the allegations to DJI Technology Co., Ltd. are faulty for this reason. For purposes of this Response, SZ DJI Technology Co., Ltd. assumes that Complainants will correct this and amend the investigation notice to remove DJI Technology Co., Ltd. and correctly name SZ DJI Technology Co., Ltd. If they do not, SZ DJI Technology Co., Ltd. contends there is a fundamental defect in the Complaint, and as such, an early summary determination is warranted.

3. The “’152 patent” shall mean U.S. Patent No. 7,709,152.
4. “Accused Product(s)” shall mean each and every product, or component thereof, sold by or on behalf of the Respondents, that You contend Infringes one or more claims of the Asserted Patents.
5. “Asserted Claim(s)” shall mean each and every claim of the Asserted Patents that You contend is Infringed by the Respondents.
6. “Asserted Patent(s)” shall mean, collectively and individually, the ’517 patent, the ’241 patent, and the ’152 patent, as well as any other U.S. patent identified by You in this Investigation as allegedly Infringed by any of the Respondents.
7. “LGC,” “You,” or “Your” shall mean LG Chem, Ltd., LG Chem Michigan, Inc., LG Chem Power, Inc., and Toray Industries, Inc., collectively or individually, including, without limitation, all predecessors-in-interest, successors-in-interest, parents, subsidiaries, affiliates, and all past or present officers, directors, trustees, employees, agents, consultants, attorneys, patent agents, or entities acting in joint venture, in any country.
8. “Communication” shall mean, in addition to its usual and customary meaning, any transmission, conveyance or exchange of a word, statement, fact, thing, idea, document, instruction, information, demand or question by any medium, whether written, oral or other means, including, but not limited to, electronic communications and electronic mail.
9. “Complaint” shall mean the Complaint of LGC Under Section 337 of the Tariff Act of 1930, As Amended, as filed on October 25, 2017, and all amendments and supplements thereto.

10. “Describe” shall mean, in addition to its usual and customary meaning, to identify all persons with knowledge of the information sought in the interrogatory and to identify all documents referring, regarding, or relating to the information sought in the interrogatory.

11. “Document” shall have the broadest meaning ascribed to it by Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001, and shall include within its meaning any and all papers, videotapes or video recordings, photographs, films, recordings, memoranda, books, records, accounts, letters, telegrams, correspondence, notes of meetings, notes of conversations, notes of telephone calls, inter-office memoranda or written communications of any nature, recordings of conversations either in writing or by means of any mechanical or electrical recording device, notes, papers, reports, analyses, invoices, cancelled checks or check stubs, receipts, minutes of meetings, time sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone bills, logs and any different versions of the foregoing whether denominated formal, informal or otherwise, as well as copies of the foregoing which differ in any way, include handwritten notations or other written or printed matter of any nature, from the original. The foregoing specifically includes the information stored in any form, including electronic form, on a computer or in a computer database or otherwise, including electronic mail. Moreover, the term “document” shall also include all “technical documents,” such as source code, specifications, schematics, flow charts, artwork, drawings, pictures, pictorial representations, formulas, troubleshooting guides, service bulletins, technical bulletins, production specifications sheets, white papers, operator manuals, operation manuals and instruction manuals.

12. “Domestic Industry Product(s)” shall mean each and every one of Your products which You contend practices any claim of the Asserted Patents, regardless of where such products are used or sold.

13. “Foreign Counterpart” shall mean any non-US patent or application claiming priority to, claiming priority from, or sharing a common priority claim with an Asserted Patent.

14. “Identify,” or any variation thereof, shall mean to state the following: (1) when referring to a person, the person’s full name, present or last known address, and the last known title and place of employment; (2) when referring to a business, legal, or governmental entity or association, the name of the entity or association, and the address of its main office; (3) when referring to a fact, the fact and the identity of the documentary or testimonial support for that fact; (4) when referring to a product or thing, the title or model name/number, any code name, project name or other name by which it has been referred, and a general description of the product or thing; (5) when referring to a written communication, the identity of the document(s) in which the communication was made; (6) when referring to an oral communication, the identity of all persons participating in the communication; (7) when referring to nonpatent documents, the Bates number, type of document, its general nature and subject matter, date of creation, and all author(s), addressee(s) and recipient(s); and (8) when referring to patent documents, the country, patent and or/application number, dates of filing, publication and grant, and the names of the patentees or applicants.

15. “Infringe,” or any variation thereof, including “infringed” and “infringing,” shall refer to the commission of any act constituting infringement under Title 35 of the United States Code, including but not limited to 35 U.S.C. § 271, whether direct or indirect infringement, either literally or under the doctrine of equivalents.

16. “Investigation” shall mean the above-identified Investigation No. 337-TA-1087, styled Certain Batteries and Electrochemical Devices Containing Composite Separators, Components thereof, and Products Containing Same.

17. “Prior Art” to any Asserted Patent shall mean all Things, patents, publications, disclosures, sales, or other acts or occurrences included within the broadest meaning of the version of 35 U.S.C. § 102 (or any subpart thereof) and 35 U.S.C. § 103 applicable to such Asserted Patent, and all case law interpreting that meaning. For the avoidance of doubt, “Prior Art” may take any form and shall include, without limitation, articles, publications, contracts, presentation materials, products, product-related documents, marketing materials, educational materials, public uses, pamphlets, manuals, devices, instruments, and United States and foreign patents and patent applications.

18. “Person” shall mean all natural persons and all types and kinds of business or other entities, including, but not limited to, corporations, limited liability companies, partnerships, joint ventures, associations, sole proprietorships, government bodies and government agencies. Any reference to an individual person, either singularly or as part of a defined group, includes that person’s employees, agents, legal and non-legal representatives, heirs, successors, assigns, and any other person or entity acting on behalf of such individual person. Any reference to a corporation or any other entity also refers to and includes any and all parents, subsidiaries, predecessors, successors, affiliates, partners, joint ventures, agents, employees, representatives, accountants, investment bankers, consultants or attorneys acting on behalf of the corporation or other entity. The masculine includes the feminine and vice versa; the singular includes the plural and vice versa.

19. “Licensee” and “Licensees” shall mean all of the persons and entities alleged to have a prior or current license to practice any claim of Asserted Patents.

20. “Regarding” shall mean concerning, relating to, referring to, mentioning, reflecting, pertaining to, analyzing, evidencing, stating, involving, identifying, describing, discussing, documenting, commenting on, dealing with, embodying, responding to, supporting, contradicting, comprising, containing, or constituting (in whole or in part), as the context makes appropriate.

21. “Related Patent(s)” shall mean (i) any United States or foreign patent application or patent that issues on any United States or foreign patent application, from or through which the Asserted Patents claim priority, and any predecessors, continuations, continuations-in-part or divisionals of any of the foregoing patent applications (including any rejected, abandoned or pending applications); and (ii) any United States or foreign patent that issues on any United States or foreign patent applications that claim priority from or through the Asserted Patents, including any predecessors, continuations, continuations-in-part or divisionals of any of the foregoing patent applications (including any rejected, abandoned or pending applications).

22. “Respondents” shall mean, collectively and individually, SZ DJI Technology Co., Ltd. and DJI Technology, Inc.

23. “Thing” shall refer to any physical specimen or tangible item, including, but not limited to, research and development models, samples, prototypes, and the like.

24. The use of any tense of any word includes all other tenses.

25. The use of the singular form of any word includes the plural and vice versa.

26. “And,” “or,” and “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of each request all responses that might otherwise be construed as outside the scope of the request.

27. “Any” shall include “all” and “all” shall include “any.”

28. “Including” shall mean “including, without limitation.”

INSTRUCTIONS

1. Answer each Interrogatory fully, in writing and under oath, in accordance with 19 C.F.R. §§ 210.27 and 210.29.

2. In answering the following Interrogatories, furnish all available information, including information in the possession, custody, or control of any of Your attorneys, directors, officers, agents, employees, representatives, associates, investigators, or division affiliates, partnerships, parents or subsidiaries, and persons under Your control, who have the best knowledge, not merely information known to You based on Your own personal knowledge.

3. If You cannot fully respond to the following Interrogatories after exercising due diligence to secure the information requested thereby, so state, and specify the portion of each Interrogatory that cannot be responded to fully and completely.

4. If any documents referred to in Your response to the following Interrogatories were, but no longer are, in Your possession, custody, or control, state what disposition was made of them and when. If any documents referred to in response to the following Interrogatories have been lost or destroyed, describe in detail the circumstances of such loss or destruction, Identify each lost or destroyed document (and all filed that contained such documents), and describe in detail any efforts You have taken to recover such documents.

5. If You are producing documents in connection with these Interrogatories, electronic records and computerized information must be produced subject to an agreed-upon

production format, or as ordered by the Court, in the event that the parties are unable to reach agreement on said format.

6. If You are producing documents in connection with these Interrogatories, selection of documents from the files and other sources and the numbering of such documents shall be performed in such a manner as to ensure that the source of each document may be determined, if necessary, subject to an agreed-upon production format, or as ordered by the Court, in the event the parties are unable to reach agreement on said format.

7. If You are producing documents in connection with these Interrogatories, file folders with tabs or labels or directories of files identifying documents must be produced intact with such documents, subject to an agreed-upon production format, or as ordered by the Court, in the event the parties are unable to reach agreement on said format.

8. If You are producing documents in connection with these Interrogatories, documents attached to each other shall not be separated. All documents that respond, in whole or in part, to any portion of any request shall be produced in their entirety, including all attachments and enclosures, subject to an agreed-upon production format, or as ordered by the Court, in the event the parties are unable to reach agreement on said format.

9. If You respond to any of the following Interrogatories as authorized by 19 C.F.R. § 210.29(c), for each such Interrogatory and subpart thereof, specify the production numbers (i.e., Bates numbers) of the specific document or group of documents accompanying Your response. Such identifying information must be provided contemporaneously with any response which relies on 19 C.F.R. § 210.29(c).

10. If You withhold any information on the basis of the attorney-client privilege, work product doctrine, or other ground of privilege or immunity, You shall describe, in

accordance with the governing Commission and/or Ground Rules, the claim being asserted and a description of the information withheld in a manner that will allow assessment of the applicability of the claimed privilege or immunity.

11. If Your response to a particular Interrogatory is a statement that You lack the ability to provide a response to that Interrogatory, You must specify whether the inability to provide a response is because the particular item or category of information never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer in Your possession, custody, or control, in which case the name and address of any person or entity known or believed by You to have possession, custody, or control of that information or category of information must be identified.

12. Your obligation to respond to these Interrogatories is continuing and its responses are to be supplemented to include subsequently acquired information in accordance with the requirements of 19 C.F.R. § 210.27(c).

13. Definitions or usages of words or phrases in these interrogatories are not intended to be, and shall not be, construed to be admissions as to the meaning of words or phrases at issue in this Investigation, and shall have no binding effect on the requesting parties in this or any other proceeding.

14. All interrogatories are for discovery purposes only, and are not to be construed as limiting or reflecting any Respondents' position in this case regarding claim construction.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all Persons with whom You have entered into negotiations or discussions regarding the licensing of any rights associated with the Asserted Patents, regardless of whether a license was entered into.

ANSWER 1:

INTERROGATORY NO. 2:

Identify all patent licenses, offers to license, attempts to negotiate a license, license negotiations, notice letters, demand letters, cease and desist letters, lawsuits, settlement negotiations, settlement agreements, covenants not to sue, and any other communications, negotiations or agreements relating to the Asserted Patents, including

- (a) any such activities involving any previous owner(s)/assignee(s) of any of the Asserted Patents, any Named Inventor of any of the Asserted Patents, or any third party;
- (b) the terms of any such license, offer, or attempt to license,
- (c) each license or other agreement that was executed, the date of the license or agreement, all related documents;
- (d) the parties, patent(s), products or services, royalty rate and royalty base involved in any such license or agreement; and
- (e) all persons or entities whom You identified as a potential licensee or to whom you attempted to license any of the Asserted Patents, including a description of the process by which you identify or identified potential licensees of the Asserted Patents.

ANSWER 2:

INTERROGATORY NO. 3:

Identify all sales of any Domestic Industry Product and/or any component therein (including, but not limited to, separator substrate, active layer, and materials used to make either the separator substrate or the active layer) to Amperex Technology Limited, Dongguan NVT Technology Co., Ltd., and any other battery manufacturers and/or their suppliers or customers.

ANSWER 3:

INTERROGATORY NO. 4:

Separately, for each and every Domestic Industry Product and/or any component therein (including, but not limited to, separator substrate, active layer, and materials used to make either the separator substrate or the active layer), identify:

- (a) the quantity of sales since 2011;
- (b) the price per unit of sales since 2011;
- (c) the entity(ies) sold to.

ANSWER 4:

INTERROGATORY NO. 5:

Identify all Documents and Things relating to Your decision to initiate this Investigation asserting infringement of the Asserted Patents, including Your decision-making process regarding which entities to name as respondents in this Investigation.

ANSWER 5:

INTERROGATORY NO. 6:

Explain Your decision regarding which entities to name as respondents in this Investigation.

ANSWER 6:

INTERROGATORY NO. 7:

Identify the three (3) Person(s) most knowledgeable regarding Your decision to initiate this Investigation asserting infringement of the Asserted Patents, including Your decision-making process regarding which entities to name as respondents in this Investigation.

ANSWER 7:

Dated: December 13, 2017

/s/ Jason Haycock

Harold H. Davis, Jr.

Jason Haycock

Jonathan Theonugraha

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Counsel for Respondents

***SZ DJI Technology Co., Ltd. and DJI
Technology, Inc.***

CERTIFICATE OF SERVICE

I, Perry C. Brooks, hereby certify that on this day, December 13, 2017, true and correct copies of the foregoing, RESPONDENTS SZ DJI TECHNOLOGY CO., LTD. AND DJI TECHNOLOGY, INC.'S FIRST SET OF INTERROGATORIES TO COMPLAINANTS LG CHEM, LTD., LG CHEM MICHIGAN, INC., LG CHEM POWER, INC., AND TORAY INDUSTRIES, INC. (NOS. 1-7), has been served upon the following as indicated:

<p>The Honorable Lisa R. Barton Secretary to the Commission U.S. International Trade Commission 500 E Street, S.W., Room 112 Washington, DC 20436</p>	<p><input type="checkbox"/> Via Electronic filing (EDIS) <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Overnight Courier</p>
<p>The Honorable Charles E. Bullock Chief Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, DC 20436 Benjamin.Richards@usitc.gov William.Slaven@usitc.gov</p>	<p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Overnight Courier</p>
<p>Michael J. McKeon Lauren A. Degan Timothy W. Riffe Ralph A. Phillips Thomas S. Fusco FISH & RICHARDSON P.C. The McPherson Building 901 15th St N.W., 7th Floor Washington, DC 20005 Telephone: 202.783.5070 Email: Service-LG/AmpereXITC@fr.com</p> <p>Leeron G. Kalay FISH & RICHARDSON P.C. 500 Arguello St., Suite 500 Redwood City, CA 94063 Telephone: 650.839.5070</p> <p>Robert Courtney FISH & RICHARDSON P.C. 3200 RBC Plaza 60 South 6th St. Minneapolis, MN 55402</p>	<p><input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Via Electronic Mail <input type="checkbox"/> Via Overnight Courier</p>

<p>Telephone: 612.335.5070</p> <p><i>Counsel for Complainants LG Chem, Ltd., LG Chem Michigan, Inc., LG Chem Power, Inc., and Toray Industries, Inc.</i></p>									
<p>Sturgis M. Sobin (ssobin@cov.com) Maureen F. Browne (mbrowne@cov.com) Brian G. Bieluch (bbieluch@cov.com) COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001 Telephone: (202) 662-6000 OPPO337-1087@cov.com</p> <p>Ruixue Ran (rran@cov.com) COVINGTON & BURLING LLP 2301 Tower C Yintai Centre 2 Jianguomenwai Avenue, Chaoyang District, Beijing 100022 CHINA Tel: +86 (10) 5910 0591 OPPO337-1087@cov.com</p> <p><i>Counsel for Respondents Guangdong OPPO Mobile Telecommunications Corp., Ltd. and OPPO Digital, Inc.</i></p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td>Via Hand Delivery</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Via First Class Mail</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Via Electronic Mail</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Via Overnight Courier</td> </tr> </table>	<input type="checkbox"/>	Via Hand Delivery	<input type="checkbox"/>	Via First Class Mail	<input checked="" type="checkbox"/>	Via Electronic Mail	<input type="checkbox"/>	Via Overnight Courier
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/s/ Perry C. Brooks
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