

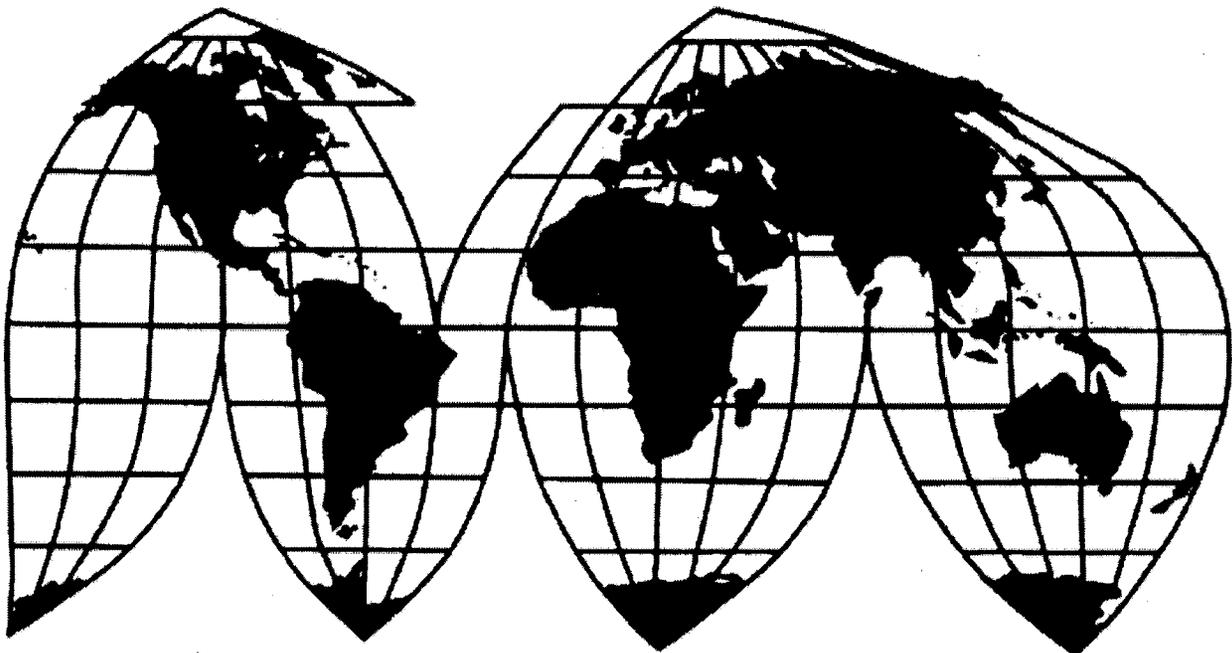
In the Matter of
**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

337-TA-804

Publication 4539

July 2015

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Washington, DC 20436

U.S. International Trade Commission

Washington, DC 20436
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In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

337-TA-804



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

In the Matter of

CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF

Investigation No. 337-TA-804

**NOTICE OF THE COMMISSION'S FINAL DETERMINATION FINDING A
VIOLATION OF SECTION 337; ISSUANCE OF A GENERAL EXCLUSION
ORDER; TERMINATION OF CERTAIN RESPONDENTS BASED ON
CONSENT ORDER; ISSUANCE OF CONSENT ORDER; AND TERMINATION
OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a general exclusion order prohibiting importation of infringing LED photographic lighting devices and components thereof. The Commission has also determined to terminate certain respondents on the basis of a consent order stipulation, and has issued a consent order.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 7, 2011, based on a complaint filed by Litepanels, Inc. and Litepanels, Ltd. (collectively, "Litepanels"). 76 *Fed. Reg.* 55416 (Sept. 7, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe certain claims of U.S. Patent Nos. 7,429,117 (later terminated from

the investigation); 7,510,290 (later terminated from the investigation); 7,972,022 (“the ’022 patent”); 7,318,652 (“the ’652 patent”); and 6,948,823 (“the ’823 patent”). *Id.* The Notice of Institution named respondents Flolight, LLC. (“Flolight”), of Campbell, California; Prompter People, Inc. (“Prompter”) of Campbell, California; Ikan Corporation (“Ikan”), of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA (“CoolLights”) of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California (“Elation”); Fuzhou F&V Photographic Equipment Co., Ltd. (“F&V”), of Fujian, China; Fotodiox, Inc. of Waukegan, Illinois, Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China, Yuyao Fotodiox Photo Equipment Co., Ltd. of Zhejiang Province, China, and Yuyao Lily Collection Co., Ltd. of Yuyao, China (collectively the “Fotodiox respondents”); Shantou Nanguang Photographic Equipment Co., Ltd. (“Nanguang”), of Guangdong Province, China; Visio Light, Inc. (“Visio”), of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment Factory of Tianjin, China (“Tianjin”); and Stellar Lighting Systems (“Stellar”), of Los Angeles, California. *Id.* A Commission Investigative Attorney (“IA”) of the Office of Unfair Import Investigations also participated in this investigation.

Visio, Nanguang, and F&V were terminated based on entry of consent orders, Elation was terminated based upon a settlement agreement and Tianjin was found in default. *See* Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Visio Light, Inc. Based on Entry of Consent Order; Issuance of Consent Order (December 2, 2011); *See* Notice of Commission Determination to Review an Initial Determination Finding Respondent Tianjin Wuqing Huanyu Film and TV Equipment Factory in Default (January 17, 2012); Notice of Commission Determination Not to Review an Initial Determination Terminating Respondent Elation Lighting, Inc. from the Investigation (March 2, 2012); Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Fuzhou F&V Photographic Equipment Co., Ltd. and Shantou Nanguang Photographic Equipment Co., Ltd. Based on Entry of a Consent Order (July 26, 2012).

On November 16, 2012, complainants Litepanels, and the Fotodiox respondents and Ikan (collectively “Consenting Respondents”) filed a joint motion to terminate the investigation based on a consent order stipulation and proposed consent order. At the time the parties filed the joint motion, the investigation was under review by the Commission and no longer before the ALJ. The IA filed a response that was generally in support of the motion, but included an objection to specific language in the consent order. In response to the IA’s objection, the parties submitted a revised proposed consent order on November 30, 2012. The stipulation and consent order satisfied the IA’s objection. Litepanels and the Consenting Respondents assert that the consent order and consent order stipulation do not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, the product of like or directly competitive articles in the United States or to United States consumers. We are not aware of any adverse impact that termination of the investigation as to the Consenting Respondents would have on the public interest. In addition, termination of the investigation as to the Consenting Respondents, as proposed in the motion, is generally in

the public interest. Accordingly, the Commission grants the joint motion to terminate the Consenting Respondents and issues a consent order. The remaining respondents are Flolight, Prompter, Cool Lights and Stellar.

On September 7, 2012, the Administrative Law Judge (“ALJ”) issued his Final Initial Determination (“ID”), finding a violation of section 337. The ALJ held that a violation occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or more of claims 1, 57-58, and 60 of the ’022 patent; claims 1, 2, 5, 16, 18, 19, 25 and 27 of the ’652 patent; and claim 19 of the ’823 patent. ID at ii. The ALJ further held that no violation of section 337 occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe claims 17 and 28 of the ’823 patent because claims 17 and 28 are invalid as anticipated. *Id.* at ii, 81.

On September 24, 2012, Litepanels, the IA and the Respondents petitioned for review of the ID. On October 2, 2012, the parties filed responses to the various petitions.

On November 13, 2012, the Commission determined to review the ID in part and requested briefing on the issues under review, and on remedy, the public interest and bonding. 77 *Fed. Reg.* 69499-500 (November 19, 2012). The issues reviewed include: (1) the ALJ’s determination that the preambles of the asserted independent claims of the ’652 patent, the ’823 patent and the ’022 patent were not limitations and his alternative construction of the preambles; (2) the ALJ’s findings of infringement; (3) the ALJ’s findings of obviousness and anticipation; (4) the ALJ’s construction of the limitation of “an integrated power source” of claim 17 of the ’823 patent; and (5) the ALJ’s findings on the technical prong of domestic industry as related to the asserted patents. *Id.* The parties filed written submissions and replies regarding the issues under review, and remedy, the public interest, and bonding. The Notice of Review also sought briefing from the parties and the public regarding five questions relating to the public interest. On December 18, 2012, Litepanels filed a Conditional Motion to Strike or Reply to Respondents Reply Brief In Response to the Commission’s Notice. On December 27, 2012, Respondents filed a “Response to Complainants’ Conditional Motion to Strike or Reply to Respondents’ Reply Brief in Support of the Commission’s Notice.” The Commission has determined to deny Litepanels’ motion.

Having examined the record of this investigation, including the ALJ’s final ID, and the parties’ and public submissions, the Commission has determined that there is a violation of section 337 with respect to the ’022 and ’652 patents. The Commission has also determined to reverse the ALJ’s finding of a violation based on the ’823 patent because the only claim of the ’823 patent that Litepanels alleges is practiced by the domestic industry products (*i.e.*, claim 17) is found to be invalid. The Commission has determined to reverse the ALJ and find that the preambles of the asserted patents are limitations and should be construed based on their plain and ordinary meaning. The Commission affirms the ALJ’s findings on modified grounds to find: (1) that the

“integrated power source” limitation of claim 17 of the ’823 patent is construed so that it is not restricted to the battery housing, and may include, but is not limited to, the battery and/or battery housing; (2) that the asserted independent claims of the ’652 patent, ’823 patent and the ’022 patent are infringed; (3) that claims 17 and 28 of the ’823 patent are invalid as anticipated; (4) that the asserted claims of the ’652 and ’022 patents are not invalid; and (5) that the technical prong of domestic industry is met for the ’022 and ’652 patents and with respect to the ’823 patent, that the elements of claim 17 of the ’823 patent are practiced by the domestic industry products but finds that Litepanels has not proven that a valid patent claim is practiced by the domestic industry products. As part of the Commission’s findings on anticipation and obviousness, the Commission takes no positions on a few limitations as set forth in our accompanying opinion. The Commission adopts the remaining findings of the ALJ, including that the asserted dependent claims of the ’652 patent, the ’022 patent, and the ’823 patent are infringed and that claim 19 of the ’823 patent is not invalid.

The Commission has further determined that the appropriate remedy is a general exclusion order prohibiting from entry LED photographic lighting devices and components thereof that infringe claims 1, 57, 58, and 60 of the ’022 patent and claims 1-2, 5, 16,18-19, 25, and 27 of the ’652 patent. The Commission has determined that the public interest factors enumerated in section 337(d) (19 U.S.C. § 1337(d)) do not preclude issuance of the general exclusion order. Finally, the Commission has determined that a bond in the amount of 43 percent of the entered value is required to permit temporary importation during the period of Presidential review (19 U.S.C. § 1337(j)) of LED photographic lighting devices and components thereof that are subject to the order. The Commission’s order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42-46 and 210.50 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42-46 and 210.50).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: January 17, 2013

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

In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-804

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. § 1337) in the unlawful importation and sale of certain LED photographic lighting devices and components thereof that infringe claims 1, 57, 58, and 60 of U.S. Patent No. 7,972,022 patent (“the ‘022 patent”) and claims 1-2, 5, 16, 18-19, 25, and 27 of U.S. Patent No. 7,318,652 patent (“the ‘652 patent”). Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of the named respondents and because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing LED photographic lighting devices and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the general exclusion order, and that there shall be

a bond in the amount of 43 percent for all covered products during the period of Presidential review.

Accordingly, the Commission hereby **ORDERS** that:

1. LED photographic lighting devices and components thereof covered by one or more of claims 1, 57, 58, and 60 of the '022 patent and/or claims 1-2, 5, 16, 18-19, 25, and 27 of the '652 patent are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, the aforesaid LED photographic lighting devices and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under a bond in the amount of 43 percent of the entered value for the covered products pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import LED photographic lighting devices and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to LED photographic lighting devices and components thereof that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: January 17, 2013

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

_____)
)
In the Matter of)
)
) Inv. No. 337-TA-804
CERTAIN LED PHOTOGRAPHIC)
LIGHTING DEVICES AND COMPONENTS)
THEREOF)
_____)

CONSENT ORDER

On September 7, 2011, the United States International Trade Commission instituted Investigation No. 337-TA-804 under Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), as amended, based on a Complaint filed by Complainants Litepanels, Inc. and Litepanels, Ltd. (“Litepanels”) that alleged unfair acts in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe U.S. Patent Nos. 7,972,022; 7,510,290; 7,429,117; 7,318,652; and 6,948,823 in violation of 19 U.S.C. § 1337 by multiple Respondents including Fotodiox, Inc., Yuyao Lishuai Photo-Facility Co., Ltd., Yuyao Fotodiox Photo Equipment, Co. Ltd., and Yuyao Lily Collection Co., Ltd. (collectively, the “Fotodiox Respondents”) and Ikan International Corp. (“Ikan”) (collectively the “Consenting Respondents”). *See* 74 Fed. Reg. 55416 (Sep. 7, 2011).

Litepanels and Consenting Respondents are parties to a Patent License & Settlement Agreement dated November 15, 2012 (“License and Settlement Agreement”).

Litepanels and Consenting Respondents have executed a stipulation which manifests the Consenting Respondents’ consent to the entry of this Consent Order and to the waivers and other requirements of 19 C.F.R. § 210.21(c).

The Commission having reviewed the Joint Motion to Terminate the Investigation with respect to the Consenting Respondents Based Upon Consent Order, and having duly considered all comments filed, **HEREBY ORDERS THAT:**

1. Litepanels, Inc. is a Delaware corporation with corporate offices at 16152 Satcoy Street, Van Nuys, California, 91406. Litepanels, Ltd. is a limited company organized and existing under the laws of the United Kingdom and Wales with its corporate offices located at One Wheatfield Way, Kingston Upon Thames, Surrey, U.K. "Litepanels" shall mean Litepanels, Inc. and Litepanels, Ltd., and each of its past and present subsidiaries, affiliates, agents and anyone acting on its behalf.

2. Respondent Yuyao Fotodiox Photo Equipment Co., Ltd. ("Fotodiox China") is a corporation organized and existing under the laws of China having corporate offices located at No. 31 Rongchuang Road, Lizhou Industrial Zone, Lizhou District, Yuyao City, Zhejiang Province, China. Fotodiox China shall mean past and present subsidiaries, agents and anyone acting on its behalf.

3. Respondent Yuyao Lishuai Photo-Facility Co., Ltd. ("Yuyao Lishuai") is a corporation organized and existing under the laws of China having corporate offices located at No. 31 Rongchuang Road, Lizhou Industrial Zone, Lizhou District, Yuyao City, Zhejiang Province, China. Yuyao Lishuai shall mean past and present subsidiaries, agents and anyone acting on its behalf.

4. Respondent Fotodiox, Inc. is an Illinois corporation with corporate offices located at 3805 Hawthorn Ct., Waukegan, Illinois 60087. Fotodiox, Inc. shall mean past and present subsidiaries, agents and anyone acting on its behalf.

5. Respondent Yuyao Lily Collection Co., Ltd. (“Yuyao Lily”) is located at No. 7 North Donghanmen Road, Yuyao, China 315400. Yuyao Lily shall mean past and present subsidiaries, agents and anyone acting on its behalf.

6. Respondent Ikan International Corp. is located at 3903 Stoney Brook Drive, Houston, Texas 77063. Ikan shall mean past and present subsidiaries, agents and anyone acting on its behalf.

7. The “’022 Patent” means U.S. Patent No. 7,972,022.

8. The “’290 Patent” means U.S. Patent No. 7,510,290.

9. The “’117 Patent” means U.S. Patent No. 7,429,117.

10. The “’652 Patent” means U.S. Patent No. 7,318,652.

11. The “’823 Patent” means U.S. Patent No. 6,948,823.

12. Litepanels filed a Complaint before the International Trade Commission (“Commission”), *Certain LED Photographic Lighting Devices and Components Thereof*, 337-TA-804.

13. On September 7, 2011 the Commission instituted this investigation to determine, *inter alia*, whether the Consenting Respondents have violated Section 337(a)(1)(B)(i) in the importation, sale for importation and/or sale after importation into the United States of certain accused products that infringe the ’022, ’290, ’117, ’652, or the ’823 Patents. On October 12, 2011, the Consenting Respondents filed their separate Responses to the Complaint, denying the allegations that the Consenting Respondents violated Section 337.

14. On September 7, 2012, the Administrative Law Judge issued an Initial Determination finding that a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred with respect to certain of the asserted claims, and that no violation

of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred with respect to certain of the asserted claims.

15. The Consenting Respondents admit that the Commission has *in rem* jurisdiction over the accused products that the Consenting Respondents imported into the United States, knowingly sold for importation into the United States, or sold after importation into the United States as of September 7, 2011 and that the Commission has *in personam* jurisdiction over them.

16. All rights to judicial review or otherwise challenge or contest the validity of the Consent Order are hereby expressly waived by Litepanels and the Consenting Respondents.

17. Litepanels and the Consenting Respondents shall cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of Part 210 of title 19 of the Code of Federal Regulations.

18. Enforcement, modification and revocation of this Consent Order shall be carried out pursuant to Subpart I of Part 210 of Title 19 of the Code of Federal Regulations.

19. The Consenting Respondents shall not challenge the validity or enforceability of claims 1, 57-58, and 60 of the '022 Patent, claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 Patent, or claim 19 of the '823 Patent in any administrative or judicial proceeding to enforce this Consent Order.

20. This Consent Order shall not apply to any claim of the '022, '290, '117, '652, or the '823 Patents except claims 1, 57-58, and 60 of the '022 Patent, claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 Patent, and claim 19 of the '823 Patent; to any such claim that has expired; or to any such claim that has been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable.

21. This Consent Order does not constitute an admission by Consenting Respondents that they have committed any unfair act. This Consent Order and any admissions made therein may not be used by any party for any purpose in this or any dispute or legal proceeding other than in connection with the enforcement of the terms of this Consent Order.

22. Following the effective date of the License & Settlement Agreement in this investigation, the Consenting Respondents shall not import into the United States, or sell after importation into the United States, or knowingly sell for importation into the United States any LED photographic lighting devices that infringe claims 1, 57-58, and 60 of the '022 Patent, claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 Patent, or claim 19 of the '823 Patent during the term of this Consent Order set forth in Paragraph 24 below, except in accordance with the terms of the License and Settlement Agreement.

23. The Consenting Respondents will not contest the legal conclusions or findings of fact determined by the Commission in any final determination of this investigation including in any proceeding to enforce this Consent Order; provided, however, that notwithstanding this or any other provision of this Consent Order, in any enforcement action to enforce this Consent Order, Respondents are not precluded from arguing that products not expressly covered by the legal conclusions and findings of fact in any final determination by the Commission are non-infringing. In addition, in any enforcement action to enforce this Consent Order, Respondents are not precluded from raising a licensing defense with respect to any of their products.

24. The term of this Consent Order shall be from the date the Consent Order issues to the earlier of (i) the expiration date of the last to expire of claims 1, 57-58, and 60 of the '022 Patent, claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 Patent, and claim 19 of the '823 Patent or (ii) the date on which the last of the following claims are found or adjudicated invalid or

unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable: claims 1, 57-58, and 60 of the '022 Patent, claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 Patent, and claim 19 of the '823 Patent.

BY ORDER OF THE COMMISSION

Date: 1-17-2013



Lisa R. Barton
Acting Secretary to the Commission

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon, the Commission Investigative Attorney, Mareesa A. Frederick, Esq., and the following parties as indicated on **January 17, 2013**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainants Litepanels, Ltd. and Litepanels, Inc.:

William D. Belanger, Esq.
PEPPER HAMILTON LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110

- () Via Hand Delivery
- () Via Overnight Delivery
- () Via First Class Mail
- () Other: _____

On Behalf of Respondents Flolight, LLC, Prompter People, Inc., IKAN Corporation and Advanced Business Computer Services, LLC (d/b/a Cool Lights USA):

William G. Shaw, Jr., Esq.
LAW OFFICE OF WILLIAM G. SHAW, JR.
1118 W. Harris Road, Suite 101
Arlington, TX 76001

- () Via Hand Delivery
- () Via Overnight Delivery
- () Via First Class Mail
- () Other: _____

On Behalf of Respondents Fotodiox Inc., Yuyao Lishuai Photo-Facility Co., Ltd., Yuyao Fotodiox Photo Equipment Co., Ltd. and Yuyao Lily Collection Co., Ltd.:

Merritt R. Blakeslee, Esq.
THE BLAKESLEE LAW FIRM
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036

- () Via Hand Delivery
- () Via Overnight Delivery
- () Via First Class Mail
- () Other: _____

**CERTAIN LED PHOTOGRAPHIC LIGHTING DEVICES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-804

Certificate of Service – Page 2

Respondent:

Stellar Lighting Systems
1500 Los Angeles Street, Suite 4
Los Angeles, CA 90015

- () Via Hand Delivery
- () ~~Via Overnight Delivery~~
- () Via First Class Mail
- () Other: _____



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C. 20436

January 29, 2013

William D. Belanger, Esq
Pepper Hamilton LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110

Re: Exclusion Order in *Certain LED Photographic Lighting Devices and Components Thereof*, Inv. No. 337-TA-804

Dear Mr. Belanger:

On January 17, 2013, the Commission, having found a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the above-referenced investigation, issued a general exclusion order. The exclusion order directs U.S. Customs and Border Protection to exclude certain LED photographic lighting devices and components thereof from entry into the United States while one or more of U.S. Patent No. 7,972,002 and U.S. Patent No. 7,318,652 remain in force. A copy of this order is attached to this letter.

Should the Complainants, Litepanels, Ltd. and Litepanels, Inc., have questions about the administration of this order, they may contact the Intellectual Property Rights Branch of U.S. Customs and Border Protection at (202) 325-0020. Although Customs will be administering the exclusion order, you may also contact Jean Jackson, the Commission's Assistant General Counsel for Section 337 investigations, at (202) 205-3104 if you have questions pertaining to this order.

Since FY 2000, the Commission has conducted three surveys of exclusion order holders to help assess the effectiveness of such orders, and the Commission anticipates conducting another such survey in the future. To facilitate future communications with Complainants about the anticipated survey, the Commission requests that Complainants identify a person at Litepanels, Ltd. or Litepanels, Inc. with knowledge of the order who may be contacted in the future regarding the survey. It would be particularly helpful if Complainants would provide an e-mail address, along with a name and mailing address, for this contact. The requested contact information may be e-mailed to secretary@usitc.gov or provided by mail to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Acting Secretary to the Commission

Enclosure

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-804

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. § 1337) in the unlawful importation and sale of certain LED photographic lighting devices and components thereof that infringe claims 1, 57, 58, and 60 of U.S. Patent No. 7,972,022 patent (“the ‘022 patent”) and claims 1-2, 5, 16, 18-19, 25, and 27 of U.S. Patent No. 7,318,652 patent (“the ‘652 patent”). Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of the named respondents and because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing LED photographic lighting devices and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the general exclusion order, and that there shall be

a bond in the amount of 43 percent for all covered products during the period of Presidential review.

Accordingly, the Commission hereby **ORDERS** that:

1. LED photographic lighting devices and components thereof covered by one or more of claims 1, 57, 58, and 60 of the '022 patent and/or claims 1-2, 5, 16, 18-19, 25, and 27 of the '652 patent are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, the aforesaid LED photographic lighting devices and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under a bond in the amount of 43 percent of the entered value for the covered products pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import LED photographic lighting devices and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to LED photographic lighting devices and components thereof that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a large, sweeping initial 'L'.

Lisa R. Barton
Acting Secretary to the Commission

Issued: January 17, 2013

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

In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-804

COMMISSION OPINION

I. INTRODUCTION

On September 7, 2012, the presiding administrative law judge (“ALJ”) (Judge Essex) issued his final initial determination (“ID”) finding a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by respondents in connection with claims 1, 57-58, and 60 of U.S. Patent No. 7,972,022 (“the ’022 patent”); claims 1, 2, 5, 16, 18, 19, 25 and 27 of U.S. Patent No. 7,318,652 (“the ’652 patent”); and claim 19 of U.S. Patent No. 6,948,823 (“the ’823 patent”). ID at ii. On November 13, 2012, the Commission determined to review the ID in part. On review, the Commission affirms with modifications the ALJ’s findings of violation based on the ’022 and ’652 patents and determines that the proper remedy is a general exclusion order. The Commission reverses the ALJ’s finding of a violation based on the ’823 patent.

II. BACKGROUND

A. Procedural Background

The Commission instituted this investigation on September 7, 2011, based on a complaint filed by Litepanels, Inc., and Litepanels, Ltd. (collectively, “Litepanels”). 76 *Fed. Reg.* 55416 (Sept. 7, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. § 1337) in the importation into the United States, the sale

for importation, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe certain claims of U.S. Patent Nos. 7,429,117 (“the ’117 patent”); 7,510,290 (“the ’290 patent”); the ’652 patent; the ’823 patent; and the ’022 patent. The Notice of Institution named respondents Flolight, LLC. (“Flolight”), of Campbell, California; Prompter People, Inc. (“Prompter”) of Campbell, California; Ikan Corporation (“Ikan”), of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA (“CoolLights”) of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California (“Elation”); Fuzhou F&V Photographic Equipment Co., Ltd. (“F&V”), of Fujian, China; Fotodiox, Inc. of Waukegan, Illinois, Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China, Yuyao Fotodiox Photo Equipment Co., Ltd. of Zhejiang Province, China, and Yuyao Lily Collection Co., Ltd. of Yuyao, China (collectively the “Fotodiox respondents” or “Fotodiox”); Shantou Nanguang Photographic Equipment Co., Ltd. (“Nanguang”), of Guangdong Province, China; Visio Light, Inc. (“Visio”), of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment Factory of Tianjin, China (“Tianjin”); and Stellar Lighting Systems (“Stellar”), of Los Angeles, California. *Id.* A Commission investigative attorney (“IA”) of the Office of Unfair Import Investigations also participated in this investigation.

On November 8, 2011, the ALJ terminated respondent Visio based on a consent order stipulation and the Commission determined not to review the ID terminating the investigation as to Visio.¹ On December 21, 2011, the ALJ issued an ID finding Tianjin Wuqing Huanyu Film and TV Equipment Factory in default, which the Commission determined to review to

¹ See Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Visio Light, Inc. Based on Entry of Consent Order; Issuance of Consent Order (December 2, 2011).

correct the basis for the default.² On February 8, 2012, the ALJ issued an ID terminating the investigation as to respondent Elation based upon a settlement agreement, which the Commission determined not to review.³

On April 10, 2012, the ALJ granted Litepanels' unopposed motion to terminate the Investigation as to the '290 and '117 patents. Order No. 19 (April 10, 2012). The Commission determined to review the ID and, on review, affirmed the ALJ's termination without the adoption of footnote 1, which stated, *inter alia*, that "as a matter of Commission policy based on the Commission's interpretation of the section 337 statute and its Rules of Practice and Procedure, an investigation cannot be terminated either with or without prejudice."⁴

On May 30, 2012, the ALJ issued an ID granting summary determination that Litepanels satisfied the economic prong of the domestic industry requirement, which the Commission determined not to review. Order No. 22 (May 30, 2012).⁵ On June 15, 2012, the ALJ issued an ID granting Litepanels' motion to partially terminate the investigation as to claims 18, 20-21, 23-27, 29, 85-88, and 90-93 of the '823 patent; claims 6-13, 17, 20-24, 28-35, 38-43, 45-47 and 50 of the '652 patent; and claim 59 of the '022 patent. Order No. 28.

² See Notice of Commission Determination to Review an Initial Determination Finding Respondent Tianjin Wuqing Huanyu Film and TV Equipment Factory in Default (January 17, 2012).

³ See Notice of Commission Determination Not to Review an Initial Determination Terminating Respondent Elation Lighting, Inc. from the Investigation (March 2, 2012).

⁴ See Notice of Commission Determination to Review an Initial Determination Terminating U.S. Patent Nos. 7,510,290 and 7,429,117 from the Investigation (May 3, 2012).

⁵ See Notice of Commission Determination Not to Review an Initial Determination Granting Complainants' Motion that They Have Met the Economic Prong of the Domestic Industry Requirement (June 20, 2012).

The Commission did not review this ID.⁶ On July 10, 2012, the ALJ issued an ID terminating the investigation as to F&V and Nanguang based upon entry of the consent order, which the Commission determined not to review. Order No. 29 (July 10, 2012).⁷

On September 7, 2012, Judge Essex issued the subject final ID finding a violation of section 337. The ALJ held that a violation of section 337 occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or more of claims 1, 57-58, and 60 of the '022 patent; claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 patent; and claim 19 of the '823 patent. ID at ii. The ALJ further held that no violation of section 337 occurred based on infringement of claims 17 and 28 of the '823 patent because these claims are invalid as anticipated. *Id.* at ii, 81.

The ID included the ALJ's recommended determination ("RD") on remedy and bonding in which he recommended that, in the event the Commission finds a violation of section 337, the Commission should issue a general exclusion order. ID at 147. The ALJ found that Litepanels offered evidence to establish that the named respondents likely would circumvent a limited exclusion order and therefore a general exclusion order was appropriate under 19 U.S.C. § 1337(d)(2)(A). *See id.* at 142-144. The ALJ also found that there was a pattern of violation and a difficulty identifying the source of infringing goods, and so a general exclusion order was also appropriate under § 1337(d)(2)(B). *See id.* at 144-47. The

⁶ *See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainant's Motion for Partial Termination of the Investigation with Respect to Certain Claims of U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022 (July 9, 2012).

⁷ *See* Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Fuzhou F&V Photographic Equipment Co., Ltd. and Shantou Nanguang Photographic Equipment Co., Ltd. Based on Entry of a Consent Order (July 26, 2012).

ALJ recommended that, if the Commission finds a violation of section 337, it should set a bond of 50 percent of the entered value of the imported infringing products during the period of Presidential review. *Id.* at 149.

Litepanels, Respondents Fotodiox, Prompter, Flolight, Ikan, Stellar, and CoolLights and the IA each petitioned for review of the ALJ's findings. The parties filed replies to the others' petitions for review. On November 13, 2012, the Commission determined to review the ID in part. 77 Fed. Reg. 69499-500 (November 19, 2012).

On November 16, 2012, Complainants Litepanels and the Fotodiox Respondents and Respondent Ikan filed a joint motion to terminate the investigation based on a consent order. In response to the IA's objections, the parties submitted a revised consent order on November 30, 2012. At the time that the parties filed the joint motion, the investigation was before the Commission. The Commission has determined to grant the motion and issue a consent order concurrently herewith. The Respondents remaining in the investigation include the following: Flolight, Prompter, CoolLights, and Stellar.

B. Patents and Technology at Issue

1. The '823 Patent (JX-7)

The '823 patent specification explains that the central purpose of the claimed lighting system is "to illuminate a subject to allow proper image capture or achieve a desired effect." '823 patent at 1:23-26. The patented lighting device comprises an arrangement of semiconductor light elements, such as light-emitting diodes (LEDs) or light emitting electrochemical cells (LECs), on a panel or frame. *Id.* at 3:65-4:4. The semiconductor light elements are arranged in a pattern so that the system provides evenly dispersed light. *Id.* The specification further explains that the panel or frame can be lightweight and portable and

may include a circuit board so that the lamp elements can be directly mounted on the frame or panel. *Id.* at 4:4-6. Moreover, the disclosed invention also can comprise control circuitry for adjusting the intensity of the semiconductor light elements. *Id.* at 4:6-10.

The asserted claims of the '823 patent are 17, 19, and 28. ID at 16. Claim 17 is independent, while claims 19 and 28 depend from claim 17. Independent claim 17 recites:

17. An illumination system suitable to provide proper illumination for lighting of a subject in film or video, comprising:

a lightweight, portable frame having a panel including a mounting surface;

a plurality of semiconductor light elements disposed on said mounting surface;

an integrated power source contained within or secured to said portable frame;

wherein said portable frame is adapted for being securably attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.

2. The '022 Patent (JX-1)

The application for the '022 patent is a continuation of U.S. Application No. 11/005,564, which is a continuation-in-part of the application that issued as the '823 patent. The specification of the '022 patent is identical to that of the '823 patent, except that it adds subject matter regarding the various ways to mount the panel to a stand, attach the battery unit, and receive the power supply input. '022 patent at 31:14-32.

The asserted claims of the '022 patent are claims 1, 57, 58, and 60. ID at 15. Claim 1 is independent, claim 57 depends from claim 1, and claims 58 and 60 depend from claim 57. Independent claim 1 recites:

1. An apparatus for illuminating a subject for film, photography or video, the apparatus comprising:

a frame having a front;

a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range; and

a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;

wherein said frame is adapted for being mounted to and readily disengaged from a stand.

3. The '652 Patent (JX-4)

The application for the '652 patent is a continuation of the application for the '823 patent. '652 patent at 1:4-9. The specifications of the '652 and '823 patents are identical. The main difference in the patents' claim language is that the '652 patent claims contain limitations relating to a "focusing element" and the "color temperature range" of the LEDs, that are not found in the '823 patent claims.

The asserted claims of the '652 patent are 1, 2, 5, 16, 18, 19, 25, and 27. ID at 13. Claim 1 is independent, while claims 2, 5, 16, 18, 19, 25 and 27 depend from claim 1.

Independent claim 1 recites:

1. A lighting system suitable to provide proper illumination for lighting of a subject in film or video, comprising:

a portable frame having a panel including a mounting surface;

a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range; and

a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements;

wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.

C. The Accused Products

The ALJ noted that Litepanels accused the following products of infringement:⁸

PRODUCT MODEL	'652 Patent								'823			'022			
	1	2	5	16	18	19	25	27	17	19	28	1	57	58	60
Stellar															
96D	x	x	x	x	x	x	x	x	x	x	x	x			
170MAX	x	x	x	x	x	x	x	x	x	x	x	x			
FloLight/Prompter															
MicroBeam1024 30 ⁰ Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam1024 60 ⁰ Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam1024 30 ⁰ Tungsten	x	x	x		x	x	x	x				x			
MicroBeam1024 60 ⁰ Tungsten	x	x	x		x	x	x	x				x			
MicroBeam256 30 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam256 60 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam256 30 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x			
MicroBeam256 60 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x			
MicroBeam512 30 ⁰ Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam512 60 ⁰ Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam512 30 ⁰ Tungsten	x	x	x		x	x	x	x				x			
MicroBeam512 60 ⁰ Tungsten	x	x	x		x	x	x	x				x			
MicroBeam128 30 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam128 60 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam128 30 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x			
MicroBeam128 60 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x			
CoolLights															
CL-LED 1200 Daylight Products (Spot and Flood)	x	x	x		x	x	x	x				x			
CL-LED 1200 Bi-Color Products (Spot and Flood)	x	x	x				x	x				x			

⁸ The products discussed herein are limited to those of the remaining Respondents.

PRODUCT MODEL	'652 Patent								'823			'022			
	1	2	5	16	18	19	25	27	17	19	28	1	57	58	60
CL-LED 256 Daylight Panel	x	x	x		x	x	x	x				x			
CL-LED 256 Tungsten Panel	x	x	x		x	x	x	x				x			
CL-LED 600 Daylight Products (Spot and Flood)	x	x	x		x	x	x	x				x			
CL-LED 600 Tungsten Products (Spot and Flood)	x	x	x				x	x				x			

ID at 16-18.

According to Litepanels, the CL-LED256 Daylight Panel is a representative product of the CoolLights Single Color Temperature Devices, which include the single color models of the CL-LED256 product line, the CL-LED600 product line and the CL-LED1200 product line. *Id.* at 18. In addition, the CL-LED1200 BiColor Spot is a representative product of the CoolLights Bicolor Devices, which include the CL-LED1200 BiColor Flood. *Id.* at 18-19.

Litepanels asserted that the Microbeam 256 60° Daylight is a representative product of the Flolight/Prompter Daylight Devices, which include the 30° and 60° Daylight models of the MicroBeam 128, 256, 512 and 1024 and the Microbeam 256 60° Tungsten is a representative product of the Flolight/Prompter Tungsten Devices, which include the 30° and 60° Tungsten models of the MicroBeam 128, 256, 512 and 1024. *Id.* at 19.

Litepanels asserted that the Stellar 96D is a representative product of the Stellar Devices, which includes the 170MAX product. *Id.*

D. The Domestic Industry Products

Before the ALJ, Litepanels alleged that the MiniPlus, Micro, and Cromia Series lighting devices practice claim 1 of the '652 patent, claim 1 of the '022 patent, and claim 17 of the '823 patent. *Id.* at 130. Litepanels also contended that the 1x1 Series lighting devices practiced claim 1 of the '652 patent and claim 1 of the '022 patent. *Id.*

III. ISSUES UNDER REVIEW

A. Claim Construction

1. Construction of the Preambles “suitable to provide proper illumination for lighting of a subject in a film or video” (claim 1 of the ’652 patent and claim 17 of the ’823 patent) and “illumination suitable for image capture” (claim 1 of the ’022 patent)

The ALJ noted the general rule that the preamble is not limiting where a complete invention is claimed and the preamble merely states the purpose or intended use of the invention. *See* ID at 32-33. The ALJ found there was nothing in the patent specifications, claim language or prosecution histories of the asserted patents demonstrating that the preambles describe more than the purpose and intended use of the inventions, and therefore held the preambles of the asserted independent claims are not limitations. *Id.* at 33-38. The ALJ further noted that, if the preambles are found to be limiting, Litepanels’ proposed construction is too narrow.⁹ *Id.* at 38-44. Instead, the ALJ determined that, if the preambles are a limitation, they should be construed based on their plain and ordinary meaning, as argued by the IA. *Id.* at 44.

The Commission determined to review the ALJ’s determination that the preambles are not limitations. *See* ID at 44. On review, the Commission determines that the preambles of the asserted independent claims are limitations and construes the preambles based on their plain and ordinary meaning.

⁹ Before the ALJ, Litepanels proposed that the preambles be construed as: “Illumination appropriate for filming movies, television shows, commercials, video clips, and/or still photographs. Said illumination permits the capture of a person’s face and eyes in a realistic, natural, aesthetically pleasing, emotive, and/or flattering manner by providing a desired hue, directivity, intensity, tone, warmth, evenness, and color temperature between tungsten (1000K - 4200 K) and daylight (4200 K- 9500 K).” ID at 28-29.

A preamble is regarded as limiting if it recites essential structures that are important to the invention or necessary to give meaning to the claim. *Catalina Mktg. Int'l v. Coolsavings.com, Inc.*, 289 F.3d 801, 808 (Fed. Cir. 2002). The Commission finds that each of the preambles at issue limits the claimed inventions because they are “necessary to give meaning to the claim.” *Id.* The preamble of claim 17 of the '823 patent recites: “An illumination system suitable to provide proper illumination for lighting of a subject in film or video.” The preamble of claim 1 of the '652 patent recites: “A lighting system suitable to provide proper illumination for lighting of a subject in film or video.” The preamble of claim 1 of the '022 patent recites: “An apparatus for illuminating a subject for film, photography or video.”

The patentee made clear in the '823 patent specification that the purpose of the invention was to provide proper illumination for film, television, photography, live stage performances and video industries.¹⁰ For example, the “Field of Invention” section of the specification states that “the field of the present invention relates to lighting apparatus and systems that may be used in film, television, photography, and other applications.” '823 patent at 1:11-14. The “Background of the Invention” section further discusses the problems in the film and photography lighting industry, on which the patentee mainly focused. *See generally id.* at 1:16-21. The Background states:

A primary purpose of a lighting system is to illuminate a subject to allow proper image capture or to achieve a desired effect. Often it is desirable to obtain even lighting that minimizes shadows on or across the subject. It may be necessary or desired to obtain lighting that has a certain tone, warmth, or intensity. It may also be necessary or desired to have certain lighting effects, such as colorized lighting, strobed lighting, gradually brightening or dimming illumination or different intensity illumination in different fields of view.

¹⁰ Although this opinion cites only to the specification of the '823 patent, the same or similar language can be found in the nearly identical specifications of the '022 and '652 patents.

Id. at 1:24-32. Further, when addressing the problems with the prior art, the patent focuses on the film or photographic industries, *id.* at 1:44-56; 2:1-65, and explains why other lighting apparatuses may not be suitable for this purpose. *See, e.g., id.* at 3:23-37; 3:45-49. Thus, the patent points out that the lighting systems currently used in the film and photography industries, *i.e.* incandescent and fluorescent lights, have a number of problems that make them less than ideal for use in these industries. *Id.* at 2:3-27. The Background section concludes by stating that “[i]t would therefore be advantageous to provide a lighting apparatus or lighting effects system well suited for use in the film, commercial, and/or photographic industries, and/or live stage performances, that overcomes one or more of the foregoing disadvantages, drawbacks or limitations.” *Id.* at 3:54-58. In addition, the “Summary of the Invention” section of the specification focuses on providing illumination for film and photography applications. It states that the “invention is generally directed in one aspect to a novel lighting effects system and method as may be used, for example, in film and photography applications.” *Id.* at 3:61-64. The “Detailed Description of Preferred Embodiment(s)” section of the specification describes and depicts a lighting system for mounting the lighting on a camera and/or placement of the lighting with respect to the camera and choosing the right color lighting. *Id.* at 11:7-18:5. Accordingly, when viewing the claim preamble in light of the specification, it is clear that the preamble helps to define the invention itself and does not merely state the purpose or intended use of the invention. Thus, the preamble gives “life and meaning” to the claim and provides a further positive limitation to the invention claimed. *See Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999) (“If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is ‘necessary to give life,

meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim.”). Therefore, the Commission finds that each of the preambles of the asserted independent claims requires that the limitations included in the body of the claims provide proper illumination for lighting of a subject in film or video. ID at 44.

The Commission notes that Litepanels proposed a different construction of the preamble to the ALJ than it did before the Commission.¹¹ Litepanels urges the Commission to adopt the plain and ordinary meaning of the preamble, *i.e.* that the illumination system provide proper illumination for a lighting a subject in film or video and that the “proper illumination” or “illumination suitable for image capture” limitation should be limited to white LEDs. The Commission agrees with the first part of this construction, but does not agree that the “proper illumination” requirement of the preamble should be limited to white LEDs. *See, e.g.*, Litepanels Pet. at 19-20; Litepanels Rev. Br. at 1-4; Litepanels Rev. Reply at 2-4.

The patent specification does not provide an explicit definition of the term “suitable to provide proper illumination,” or “illumination suitable for image capture,” but the “Background” section states:

The field of the present invention relates to lighting apparatus and systems as may be used in film, television, photography, and other applications. Lighting systems are an integral part of the film and photography industries. *Proper illumination is necessary when filming movies, television shows, or commercials, when shooting video clips, or when taking still photographs, whether such activities are carried out indoors or outdoors.*

’823 at 1:13-21; *see also* ’823 at 1:43-56, 1:23-28. The specification, however, does not provide any guidance as to what is required to provide proper illumination. Although the specification discusses certain disadvantages of using RGB (red, green, blue) LEDs, it states

¹¹ *See supra* note 9.

that color LEDs may be used. *Compare* '823 patent at 3:37-45, 14:65-15:13 *with* '823 patent at 6:39-57, 13:59-67, 24:40-56. Accordingly, the Commission finds that the preamble should be given its plain and ordinary meaning without limiting “proper illumination” or “illumination suitable for image capture” to white LEDs.

2. Construction of “an integrated power source” of Claim 17 of the '823 Patent

The ALJ did not construe “an integrated power source” in the claim construction section of the ID, but instead addressed this limitation when discussing infringement of the '823 patent by the accused products. *See* ID at 51-52. The ALJ determined that “an integrated battery housing” described within the specification met the definition of “an integrated power source” and did not require that the power source itself (*i.e.*, the battery) be located within the integrated battery housing. *Id.* at 52. The ALJ held that the “integrated power source” in the accused products “is the battery housing that is incorporated within or attached to the portable frame,” and that “[t]here is no other power source for the lighting system.” *Id.* He further noted that “regardless of whether a battery is actually contained in the battery housing,” “the ‘integrated power source’ is the battery housing that is incorporated within or attached to the portable frame.” *Id.*

The IA argued in her petition for review that the “integrated power source” limitation should be construed as “[a] source of electrical power that is either incorporated within or attached to the portable frame.” IA Pet. at 10. We find the IA’s proposed construction is too narrow and adopt the ALJ’s construction with modification. The '823 patent specification itself does not use the term “integrated power source” so the specification provides no direct guidance on the meaning of the limitation. The specification discusses two types of power sources that may be used, *i.e.*, a standard electrical outlet or a battery. '823 patent at 18:13-

20; 30:41-46; Figs. 2, 45. The specification states: “Other alternative means for providing electrical power, such as a battery located in an integrated battery housing, may be used.” *Id.* at 30:45-47. In addition, dependent claim 18 requires that the integrated power source be a battery. *Id.* at 32:10-11. Dependent claim 18, therefore, indicates that the patentee did not intend that the “integrated power source” in independent claim 17 be limited to only battery power sources. *Curtis-Wright Flow Control Corp. v. Velan, Inc.*, 438 F.3d 1374, 1380-81 (Fed. Cir. 2006) (stating the doctrine of claim differentiation generally leads to a finding that the claim language of independent claims is interpreted to include the narrower dependent claims). The Commission determines that the “integrated power source” limitation must be interpreted to cover more than just the battery housing which receives a battery. The ALJ’s discussion of this limitation, however, may be read to include only the battery housing. Accordingly, the Commission modifies the ALJ’s construction to clarify that the limitation is not restricted to the battery housing, and may include, but is not limited to, the battery and/or battery housing.

B. Infringement

The Commission finds that Respondents waived their right to challenge any findings that the accused products practice the preambles of the asserted independent claims of the ’823, ’652, and ’022 patents because Respondents did not dispute that their products met the preamble limitations either before the ALJ or the Commission, even though the IA raised the issue before the ALJ. *See Hazani v. Int’l Trade Comm’n*, 126 F.3d 1473, 1476-77 (Fed. Cir. 1997) (holding there is no legal error in an ALJ’s determination not to consider arguments that were not made prior to issuance of the original ruling); *Certain Ground Fault Circuit Interrupters and Products Containing Same*, 337-TA-739, Comm’n. Op. at 18-19, 2012 WL

2394435, *11 (June 2012) (“no party argued to the ALJ that the interpretation of ‘electrical conductor’ requires the ‘reverse wired’ limitation, so at the very least such an argument has been waived.”); *Certain Optical Disk Controller Chips and Chipsets*, Inv. No. 337-TA-506, Comm’n Op. at 44-45, 2007 WL 4713920, *45 (Sept. 2005).

Mr. Wood, Litepanels’ expert, testified that the accused products met the preamble limitations as he construed the term.¹² Because Mr. Wood’s construction of the preamble is narrower than the plain and ordinary meaning that the Commission adopts, his testimony also supports a finding that the accused products meet the limitation as construed by the Commission. Accordingly, the Commission finds that the accused products meet the plain and ordinary meaning of the preambles of the asserted independent claims. The evidence supporting the finding that the preamble of claim 17 of the ’823 patent is met includes at least: CX-1971C at Q/A 1555-1558 (Stellar Products); CX-1971C at Q/A 1668-1676 (Prompter/Flolight Products). The evidence supporting the finding that the preamble of claim 1 of the ’022 patent is met includes at least: CX-1971C at Q/A 1318-1321 (Stellar Products); CX-1971C at Q/A 1440-1443 (Flolight/Prompter Products); CX-1971C at Q/A 1458-1468 (CoolLights Products). The evidence supporting the finding that the preamble of claim 1 of the ’652 patent is met includes at least: CX-1971C at Q/A 844-847 (Stellar Products); CX-1971C at Q/A 1125-1128 (Flolight/Prompter Products); CX-1971C at Q/A 1185-1188 (CoolLights Products).

On review, the Commission adopts the infringement findings of the ALJ concerning all other limitations to the extent they are consistent with the Commission’s opinion.

¹² See *supra* note 9.

C. Domestic Industry

Because the ALJ did not find that the preamble was a limitation, the Commission determined to review the technical prong of domestic industry to consider whether the domestic industry products meet the preamble limitations of the asserted independent claims, when construed using their plain and ordinary meanings. The Commission adopts the ALJ's findings on the remaining limitations and our analysis for the preamble limitations is discussed below. The Commission finds that Respondents waived the right to challenge Litepanels' assertion that the domestic industry products meet the preamble limitations of claim 1 of the '022 patent and '652 patents, and claim 17 of the '823 patent because the Respondents did not dispute that the domestic industry products met the preamble limitations either before the ALJ or the Commission.

a) '823 Patent

The ALJ found that the Litepanels' Mini, Micro, and Croma-series products each practice claim 17 of the '823 patent. ID at 130. The ALJ limited his analysis to the Micro series products, but nevertheless noted that the evidence showed each of the products meeting each of the claim limitations.

The preamble limitation of claim 17 of the '823 patent recites the following: "An illumination system suitable to provide proper illumination for lighting of a subject in film or video." Mr. Wood testified that the Micro product is "marketed directly to film, photography and/or video customers, and is capable of providing illumination appropriate for filming movies, television shows, commercials, video clips and/or still photographs." CX-1971C at Q/A 495. Mr. Wood also concluded that the other products in the Micro series practice this limitation in the same way as the Micro product. *Id.* at Q/A 496. Accordingly, the

Commission finds that the Micro products meet the preamble limitation. The Commission also finds that the Mini and Croma series products meet the preamble limitation. *Id.* at Q/A 494-496, 510-512, and 526-527.

Litepanels only advanced arguments that the domestic industry products practice claim 17 of the '823 patent in its pre-hearing statement before the ALJ. Complainants Litepanels Ltd. and Litepanels Inc.'s Pre-hearing Statement at 312-323. As discussed below, and in the ID in more detail (at 76-79), the Commission finds that claim 17 of the '823 patent is invalid. Thus, with respect to the '823 patent, Litepanels has not proven that a valid patent claim is practiced by the domestic industry products. *See Certain Ground Fault Circuit Interrupters and Products Containing the Same*, Inv. No. 337-TA-739, Comm'n Op. at 71-74, 91 (April 2012). For this reason, Litepanels has not proven a violation of section 337 based on the '823 patent.

b) '652 Patent

The ALJ found that the Litepanels' Mini, Micro, 1x1, and Croma-series products each practice claim 1 of the '652 patent. ID at 132. The ALJ limited his analysis to the 1x1 series products, but nevertheless noted that the evidence shows each of the products meeting each of the claim limitations. The preamble limitation of claim 1 of the '652 patent recites the following: "A lighting system suitable to provide proper illumination for lighting of a subject in film or video." Mr. Wood testified that the 1x1 product "is marketed directly to film, photography and/or video customers, and is capable of providing illumination appropriate for filming movies, television shows, commercials, video clips and/or still photographs." CX-1971C at Q/A 431. Mr. Wood also concluded that the other products in the 1x1 series practice this limitation in the same way as the representative 1x1 product. *Id.*

at Q/A 433. Accordingly, the Commission finds that the 1x1 series products meet the preamble limitation. The Commission also finds that the Mini, Micro, and Cromas series products meet the preamble limitation of claim 1 of the '652 patent. *Id.* at Q/A 464-466, 480-482.

c) '022 Patent

The ALJ found that the Litepanels' Mini, Micro, 1x1, and Cromas-series products each practice claim 1 of the '022 patent. *Id.* at 134. The ALJ limited his analysis to the 1x1 series products, but nevertheless noted that the evidence shows each of the products meeting each of the claim limitations. The preamble limitation of claim 1 of the '022 patent recites: "An apparatus for illuminating a subject for film, photography or video." Mr. Wood testified that the 1x1 product is "marketed directly to film, photography and/or video customers, and is capable of providing illumination appropriate for filming movies, television shows, commercials, video clips and/or still photographs." CX-1971C at Q/A 539-40. Mr. Wood also concluded that the other products in the 1x1 series practice this limitation in the same way as the representative 1x1 product. *Id.* at Q/A 541. Accordingly, the Commission finds that the 1x1 products meet the preamble limitation. The Commission also finds that the Mini, Micro, and Cromas series products practice the preamble limitation. *Id.* at Q/A 539-541, 556-559, 574-577 and 592-594.

D. Validity

The ALJ found that claims 17 and 28 of the '823 patent are anticipated by Kishimoto and that the remaining asserted claims of the '823 patent, '022 patent, and '652 patent are not

invalid as anticipated or obvious.¹³ The Commission determined to review the ALJ's findings regarding anticipation and obviousness in their entirety. On review, the Commission affirms the ALJ's findings with the clarifications and supplementation set forth below. All other anticipation and obviousness findings of the ALJ are adopted to the extent they are consistent with the findings herein.

1. '823 Patent

a) Kishimoto

The ALJ found that claims 17 and 28 of the '823 patent were anticipated by Kishimoto, but that claim 19 was not invalid in view of Kishimoto. Despite finding that the preamble is not a limitation, the ALJ analyzed whether Kishimoto met the plain and ordinary meaning of the preamble and found that it did. ID at 76-79. We adopt these findings. We further adopt the ALJ's findings concerning this reference's teachings as to the remaining limitations of claims 17, 19, and 28.

b) Lebens

The ALJ found that the limitations of "portable frame is adapted for being securably attached to and readily disengaged from a movable camera apparatus," "said portable frame follows movements of the movable camera apparatus," and "an integrated power source contained within or secured to a portable frame" are not met by Lebens. ID at 81-82, 108-110. The Commission takes no position on whether the limitation of "an integrated power source contained within or secured to said portable frame" is met by Lebens. *See id.* at 109.

¹³ Respondents rely on the U.S. Patent Nos. 6,095,661 ("Lebens"), 6,211,626 ("Lys"), 7,014,336 ("Ducharme"), 6,357,893 ("Belliveau"), and 5,895,128 ("Kishimoto") as primary invalidity references. Respondents supplement the teachings of the primary references with the teachings of U.S. Patent Nos. 4,984,135 ("Crouch"), 5,890,793 ("Stephens"), 6,454,228 ("Bosnakovic"), and 5,752,766 ("Bailey").

The Commission adopts the remaining findings of the ALJ concerning whether this reference teaches all of the limitations of the asserted claims for the '823 patent.

c) Ducharme

The ALJ found that the limitations of (1) “an integrated power source contained within or secured to said portable frame;” and (2) “wherein said portable frame is adapted for being securably attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus” are not met by Ducharme. ID at 82-84, 108-111. The Commission takes no position on whether the limitation of “an integrated power source contained within or secured to said portable frame” is met by Ducharme. ID at 82-84. The Commission adopts the remaining findings of the ALJ concerning whether this reference teaches all of the limitations of the asserted claims of the '823 patent.

2. '652 Patent

a) Lys

The ALJ determined that Respondents failed to prove that Lys discloses “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature” claimed in the asserted claims of the '652 patent. *Id.* at 87; *see also id.* at 111-12.

Respondents argue that the smart bulbs of Lys can be used to respond to external illumination conditions and that the LEDs of Lys could mimic an external sunset in an internal space. Resp. Pet. at 18-19. Respondents further argue that the asserted patents teach that tungsten is in the range of 1000° to 4200°K, and Respondents contend that sunset is known to have a temperature in this range. *Id.* Respondents provide no explanation or

evidence, other than attorney argument, that the smart bulbs of Lys disclose the semiconductor light elements limitation of the '652 patent. Accordingly, we agree with the ALJ's finding that this limitation is not taught by Lys alone.

In addition, Respondents provide no analysis as to why one of ordinary skill in the art would be motivated to modify Lys to render the claims obvious. Mr. Wood testified that color temperatures of 5500° to 7500° were known by 1988 to establish a suitable daylight look, but this testimony alone is insufficient even in combination with the teachings of Lys to establish that the LEDs of Lys emit light in a daylight temperature. Resp. Pet. at 18-19; ID at 112. Lys teaches mimicking outdoor light, but it does not specifically mention daylight or the color range associated with it. Accordingly, the Commission affirms the ALJ's finding that the "semiconductor light element" limitation is not met by Lys, either alone or in combination. The Commission adopts the remaining findings of the ALJ concerning whether the reference teaches all of the limitations of the asserted claims of the '652 patent.

b) Belliveau

The ALJ found that Belliveau does not teach the limitation of "at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range." ID at 92-95; *see also id.* at 111-113. Respondents contend that this limitation is met by a specific teaching of Belliveau that does not disclose LEDs in a daylight or tungsten color range. Resp. Pet. at 23 (quoting RX-326 at 3:64-4:11). Instead, Belliveau teaches the use of white LEDs and the ability to adjust the color temperature. RX-326 at 3:62-4:11. Accordingly, we agree with the ALJ that this limitation is not taught by Belliveau alone.

Moreover, Mr. Wood testified that color temperatures of 5500° to 7500° were known by 1988 to establish a suitable daylight look, but this testimony alone is insufficient even in

combination with the teachings of Belliveau to establish that the LEDs of Belliveau emit light in a daylight temperature. Resp. Pet. at 22-23; ID at 112. Respondents do not offer any expert testimony that would allow us to reach the conclusion that these teachings of Belliveau meet this limitation. Nor do Respondents provide any reason to modify the teachings of Belliveau to include LEDs that emit light in the daylight or tungsten range. Accordingly, the Commission affirms the ALJ's findings that this limitation is not met by Belliveau, either alone or in combination. The Commission adopts the remaining findings of the ALJ concerning whether the reference teaches all of the limitations of the asserted claims of the '652 patent.

3. '022 Patent

a) Lebens

The ALJ found that Lebens fails to teach "at least one of said semiconductor elements emitting light in a daylight temperature range or tungsten temperature range," "wherein said portable frame is adapted for being mounted to and readily disengaged from a stand," and "a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted." ID at 97, 113-116. The Commission takes no position on whether the limitation of "a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted" is met by Lebens. ID at 114. The Commission adopts the remaining findings of the ALJ concerning whether this reference teaches all of the limitations of the asserted claims of the '022 patent.

b) Ducharme

The Commission affirms the ALJ's determination that the limitation of "a dimmer whereby an illumination intensity of said semiconductor light elements may be user

adjusted” is not met by Ducharme, either alone or in combination. *Id.* at 99-100, 114-115. Ducharme does not disclose a dimmer, but Respondents argue based on expert witness testimony that dimmers were well known in the art for controlling light at the time of the invention. Resp. Pet. at 27-28. However, Respondents offered no evidence that one of ordinary skill in the art would be motivated to modify Ducharme to use a dimmer; testimony describing known elements alone is insufficient. Accordingly, the Commission affirms the ALJ’s determination that this limitation is not met by Ducharme, either alone or in combination with other prior art. The Commission adopts the remaining findings of the ALJ concerning whether this reference teaches all of the limitations of the asserted claims of the ’022 patent.

4. Secondary Indicia of Non-Obviousness

The Commission affirms the ALJ’s findings on secondary indicia of non-obviousness with the following clarification. Specifically, the ALJ stated in the ID the following concerning long felt need: “there were no battery-operated, camera-mountable lighting devices that could overcome the issues associated with tungsten and fluorescent lighting.” ID at 119. As discussed above, the Commission found that the “an integrated power source” limitation of claim 17 of the ’823 patent is not limited to battery devices. However, the Commission affirms the ALJ’s finding regarding long-felt need because the finding still applies. The Commission adopts all other findings of the ALJ on secondary indicia.

IV. REMEDY AND PUBLIC INTEREST AND BONDING

In the event that the Commission finds a violation of section 337, the ALJ recommended that a general exclusion order should issue or alternatively, that a limited exclusion order directed to the products of the Respondents be issued. ID at 148. Litepanels

seeks entry of a general exclusion order under both 19 U.S.C. §§ 1337(d)(2)(A) and (d)(2)(B). Section 337(d)(2) provides in relevant part:

(d) Exclusion of articles from entry . . .

(2) The authority of the Commission to order an exclusion from entry of articles shall be limited to persons determined by the Commission to be violating this section unless the Commission determines that -

(A) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons; or

(B) there is a pattern of violation of this section and it is difficult to identify the source of infringing products.

19 U.S.C. § 1337(d)(2).

A. General Exclusion Order Under Section 337(d)(2)(A) (Prevention of Circumvention)

We agree with the ALJ that the facts support issuance of a general exclusion order under 19 U.S.C. §1337(d)(2)(A). *See* ID at 142-144. As the ALJ noted, the evidence shows that the Respondents have engaged in evasive activities, making a general exclusion order necessary to prevent circumvention of a limited exclusion order. The evidence reveals Respondents' ability to easily circumvent a limited exclusion order by quickly changing the company's name and logo, and emailing the new logo to the manufacturer or importing the products under another name. Specifically, Respondent Stellar's representative admitted that [CX-102C 116:17- 117:14, 139:22-140:3; *see also* CX-1971C at Q/A 395-96, 401-409. Moreover, the evidence shows that Stellar's representative has previously imported products under another name. CX-1691 at LP _ITC-0161148, LP _ITC-0161156 (bills of landing importing products for other entities). Stellar's representative also sent a letter to Secretary Holbein, which was admitted into evidence, wherein he acknowledged the problems with a limited exclusion order, noting

that there are many other importers, not just in China, but in other countries, such that a limited exclusion order would not prevent the importation of infringing products. CX-777; CX-1971C at Q/A 418-419. Respondent CoolLights' representative testified that it []]. CX-96C at 24:12-23, 25:10-17.

Circumvention of a limited exclusion order is also possible because the same product may be sold by a manufacturer to various different companies who import the product into the U.S. under various names. Specifically, manufacturers participate in extensive re-branding of essentially the same product using different sales channels, *e.g.*, internet websites. CX-1971C at Q/A 380-419; CX-1974C at Q/A 306-314 (Mr. Pohlert testifying regarding website pages selling products where you cannot tell exactly the origin of the product).

Further, there is evidence that Respondent Prompter can easily change the company importing the accused products, which evidences Respondents Prompter and Flolight's ability to circumvent a limited exclusion order. For example, during the course of a prior patent litigation, Prompter notified Litepanels that it had sued the wrong entity and that Prompter's devices were being sold through Flolight, an entity organized in California, after Litepanels had filed suit against Prompter. CX-1974C at Q/A 335-37. There is also testimony that Prompter and Flolight are functionally identical. *See generally id.*; CX-1971C at Q/A 410. Either company could continue importing under a different name while maintaining the same headquarters. *See* CX-1971C at Q/A 410.

Accordingly, the Commission finds that a general exclusion order is necessary to prevent circumvention of a limited exclusion order.

B. General Exclusion Order Under Section 337(d)(2)(B) (Pattern of Violation and Difficulty Identifying the Source)

1. Pattern of Violation

We agree with the ALJ that the facts of this investigation also support issuance of a general exclusion order under 19 U.S.C. §1337(d)(2)(B) because the evidence shows that there is a pattern of violation. *See* ID at 144-147. According to a letter written by Respondent Stellar's representative to Secretary Holbein, if the Respondents were subject to a limited exclusion order, it would leave the market wide open to "literally hundreds of Chinese manufacturers of LED lighting systems." CX-777. Internet searches identify a large number of potentially infringing products for sale (*e.g.*, over a thousand), not just from the Respondents, and there are copycat manufacturers that are difficult to identify. CX-1974C at Q/A 305-14, 324-32, 340-42; *see* CX-102C at 54:2-12.

Litepanels' expert testified that there are at least 60 Asian LED lighting manufacturers with potentially infringing products that are actively conducting, or seeking to conduct, business with retail and wholesale customers in the U.S. CX-1971C at Q/A 332. International manufacturing sources are geographically diverse, including companies located in China, Indonesia, Korea, Canada, and Mexico. CX-102C at 133:5-18.

In addition, the evidence indicates that both current and former respondents, among others, may attempt to enter the market with infringing goods. For example, the initial capital investment to start a manufacturing facility is low. Little or no specialized equipment is necessary []. CX-101C at 140:18-142:1; CX-96C at 77:21-23; CX-102C at 44:13-46:10; CX-1971C at Q/A 323. In addition, there is an increasing demand for LED based lighting devices. CX-2076C at Q/A 62-63; CX-1971C at Q/A 333. There are also established distribution networks for entities wishing

to enter the market (*e.g.*, websites such as www.eBay.com, www.amazon.com, www.alibaba.com, www.made-in-china.com, www.aliexpress.com, www.manufacturer.com, www.diytrade.com, www.chinadirectbuy.com). CX-1971C at Q/A 324, 327-328; CX-746; CX-723.

Therefore, the Commission finds that there is a pattern of violation under the first sub-prong of section 337(d)(2)(B). *Id.*

2. Difficulty in Identifying the Source of Infringing Goods

The Commission agrees with the ALJ that there is sufficient evidence that it is difficult to determine the source of the infringing products. The evidence shows that the sources of many products are hidden “within a complicated web of anonymous companies, blind payment gateways and ambiguous brands and brand names.” CX-1971C at Q/A 379, 382. Often the importer does not know [

]. *See, e.g.*, CX-99C at 45:13-16, 45:10-18, 46:8-47:4, 51:7-12, 51:17-18, 64:1-4, 68:9-12; CX-1971C at Q/A 342, 382. Manufacturers operate under multiple names, change their business names and brand names, and participate in extensive re-branding of essentially the same product using different sales channels, *e.g.*, internet websites. CX-1971C at Q/A 380-419. Often the products are shipped in plain boxes with user manuals having no identifying information. *Id.* at Q/A 383-85; CX-153C; *see also e.g.*, CX-100C at 158:10-159:13; CX-100C at 64:5-20. Accordingly, the Commission finds that both a pattern of violation and a difficulty in determining the source of the accused products exists such that the requirements of section 377(d)(2)(B) have been met.

C. Public Interest

Section 337(d) of the Tariff Act of 1930, as amended, directs the Commission to consider public interest factors before issuing a remedy. When determining whether to issue remedial orders upon finding a violation of section 337, the Commission weighs the effect of the orders on four public interest factors: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. 19 U.S.C. § 1337(d).

Both the IA and Litepanels argue that the public interest factors are not implicated in this investigation. The IA states that “there is no evidence that U.S. demand for LED photographic lighting devices, a very narrow product category to begin with, cannot be met by Litepanels, its licensees, and its legitimate competitors...and LED lighting devices are not the types of products that raise any particular public interest concerns.” IA Rev. Br. at 20. (citing *Certain Ink Jet Print Cartridges and Components Thereof*, Inv. No. 337-TA-446, USITC Pub. 3549, Comm’n Op. at 14 (Oct. 2002)). Litepanels, in response to public interest submissions sent to the Commission, further notes that a general exclusion order would not cover all LED-based lighting. In particular, a general exclusion order “would not exclude LED lighting used by emergency responders or LED flashlights.” Litepanels Rev. Br. at 41. The IA and Litepanels maintain that the public interest favors the protection of U.S. intellectual property rights by excluding infringing imports. *Id.* (citing *Certain Two-Handle Centerset Faucets and Escutcheons, and Components Thereof*, Inv. No. 337-TA-422, Comm’n Op. at 9 (July 2000)); *see also* Litepanels Rev. Br. at 43-46.

The Commission received a significant number of submissions in response to its Notice on Remedy and the Public Interest after the issuance of the ID, Notice of Request for

Statements on the Public Interest, 77 *Fed. Reg.* 58406-07 (September 20, 2012). These comments raised concerns that a general exclusion order would exclude devices used in photography, cinematography, casual picture taking, evidence collection, smartphones, videogames, surveillance, security search and rescue, police patrols, fire suppression and lifesaving medical research and that each of these uses could be met by photographic illumination devices. Similarly, the submissions noted that Litepanels' product line is narrow and that the market includes a greater variety of products than those sold by Litepanels (*e.g.*, surgery illumination products, laboratory research products). According to the submissions, the variety of illumination products would be severely impacted and prices would increase if a general exclusion order were to issue. In addition, the comments allege that Litepanels does not have the resources to replace the products they seek to exclude with a general exclusion order. The comments received by the Commission did not cite to any evidence in support of these allegations and in many instances appear to be premised on broader constructions of the relevant claims than those adopted by the Commission.

In view of these initial public comments, the Commission's Notice of Review requested the parties and the public to respond to five questions seeking specific evidence to substantiate the concerns identified above. Notice of the Commission's Determination to Review in Part the Final Initial Determination, 77 *Fed. Reg.* 69499-500 (November 19, 2012). No responses from the public were submitted in response to the Commission's request.

In responding to the Commission's Notice of Review, Respondents allege that Litepanels' and its licensees' products are not technically and qualitatively interchangeable with the products that are offered by other suppliers that would be affected by a general

exclusion order. Respondents submit the declaration of Art Adams, a full time cinematographer and member of the International Cinematographers Guild (IATSE Local 600), who states that Litepanels does not offer products that are energy efficient. Resp. Rev. Reply at Ex. 1, ¶ 7. He further states that Litepanels does not offer lights containing more than two types of LEDs, or traditional “space lights” used for large and medium size sets. *Id.* ¶¶ 11-12. He states that the Litepanels lights are usually used for the high-end motion picture industry, but are generally too expensive for low-end applications. *Id.* ¶ 28. Mr. Adams asserts that neither Litepanels nor its licensees can meet the demand of the entire industry, *id.* ¶¶ 25, 30, and that it would take 12 to 18 months to bring new technology to market. *Id.* ¶ 32. Mark Ditmanson, manager of Respondent Flolight stated, in a declaration in support of Respondents’ position, that it can take more than a year to bring a newly developed LED product to market. Resp. Rev. Reply at Ex. 2, ¶ 7. Similarly, Will Wohler, R&D manager of Aastrolight, Ltd., testified, in a declaration, that it will likely take a new product 16 months (or at a minimum, 10 months) to be brought to market. Resp. Rev. Reply at Ex. 3, ¶ 7.

In contrast, Litepanels provided evidence that it and its licensees can [] increase their manufacturing and/or importation of products within [] and can increase production to supply products to the U.S. market.¹⁴ In addition, Litepanels argues

¹⁴ [

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(Footnote continued on the next page)

that since it has licensed many of the named respondents in this investigation, a wider variety of products and price points will be available to U.S. consumers. Litepanels states that Respondents' assertions that Litepanels and/or its licensees do not supply all types of LED lighting devices are not supported by the evidence. For instance, although Mr. Adams asserts that Litepanels itself does not make "space lights," or LED photographic lights that have more than two types of LEDs, he does not make these same specific allegations with respect to Litepanels' licensees. Thus, Mr. Adams relies on sweeping assertions that Litepanels and its licensees cannot supply all of the products that are currently on the market, but offers no actual evidence to rebut Litepanels' evidence regarding the range of products that will be available in the U.S. market or to support a conclusion that other products that will be available in the U.S. market would infringe the asserted claims.

We agree with the IA and Litepanels that the statutory public interest factors do not warrant denial of a general exclusion order in this investigation. As the IA notes, the general exclusion order covers "a very narrow product category." The asserted claims are directed to lighting products for the film and photographic industries. There is no evidence indicating that the exclusion of this narrow category of products under a general exclusion order would be detrimental to the public health and welfare, competitive conditions in the United States,

[

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U.S. production of like or directly competitive lighting products, or U.S. consumers. Respondents have failed to demonstrate a detrimental impact upon the public health and welfare, competitive conditions in the United States, U.S. production of like or directly competitive lighting products, or U.S. consumers. The evidence submitted on the record indicates that United States demand for the infringing LED film, photographic, and video products can be met by Litepanels and its licensees with a wide variety of products and at different price points. Accordingly, the Commission finds it appropriate to issue a general exclusion order.

D. Bond

During the 60-day period of Presidential review, imported articles otherwise subject to remedial orders are entitled to conditional entry under bond. 19 U.S.C. § 1337(j)(3). The amount of the bond is specified by the Commission and must be an amount sufficient to protect the complainant from any injury. *Id.*; 19 C.F.R. § 210.50(a)(3). The Commission frequently sets the bond by attempting to eliminate the difference in sales prices between the patented domestic product and the infringing product. *Certain Microsphere Adhesives, Process For Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes*, Inv. No. 337-TA-366, USITC Pub. 2949, Comm'n Op. at 24 (Jan. 1996). In cases where the Commission does not have sufficient evidence upon which to base a determination of the appropriate amount of the bond, the Commission has set a 100 percent bond. *See Certain Sortation Systems, Parts Thereof, and Products Containing Same*, Inv. No. 337-TA-460, USITC Pub. 3588, Comm'n Op. at 21 (Mar. 2003). However, Complainant bears the burden of establishing the need for a bond amount in the first place.

Certain Rubber Antidegradants, Components Thereof, and Prods. Containing Same, Inv. No. 337-TA-533, Comm'n Op. at 39-40 (July 21, 2006).

The ALJ recommended that if the Commission imposes a remedy following a finding of violation, the Commission should impose a bond in the amount of 50 percent of the entered value of any infringing products imported during the period of Presidential review. ID at 149. Litepanels requests a 100 percent bond. The ALJ, the IA, and Litepanels interpreted testimony from Litepanels' expert that the Respondents' products are sold at a certain percentage less than the total price. *See, e.g.*, IA Rev. Br. at 19 (Respondents' products are sold at 25-30 percent less than the Litepanels' products); ID at 149 (Respondents' products are sold at 35-30 [sic] percent lower than Litepanels products); Litepanels Rev. Reply at 11 (admitting that Respondents' products are sold at 25-35 percent less than their own products); *see also* CX-1971C at Q/A 338. Therefore, a bond in the amount of 100 percent of the entered value is not appropriate. We agree with the ALJ that the bond should be set based on price differential. However, the record is not clear as to the basis for the IA's and the ALJ's recommended bond in the amount of 50 percent. The Commission has determined to set the bond in the amount of 43 percent of entered value for subject products imported during the period of Presidential review based on the expert testimony that Respondents' products are being sold at 30 percent less than Litepanels' products. *Id.* A 43 percent bond takes into account the 30 percent price differential between Litepanels' and Respondents' products.

V. CONCLUSION

For the forgoing reasons, the Commission finds that certain asserted claims of the '652, '022, and '823 patents are infringed, but that claims 17 and 28 of the '823 patent are

invalid. The Commission has determined that a violation of section 337 has occurred with respect to the '652 and '022 patents but that a violation has not occurred with respect to the '823 patent because Litepanels' asserted domestic industry articles are not protected by a valid patent claim. The Commission has determined that the appropriate remedy is a general exclusion order with respect to the asserted claims of the '022 and '652 patents and sets the bond in the amount of 43 percent of the entered value for infringing products imported during the period of Presidential review.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with a large initial "L" and "B".

Lisa R. Barton
Acting Secretary to the Commission

Issued: February 28, 2013

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION OPINION** has been served by hand upon, the Commission Investigative Attorney, Mareesa A. Frederick, Esq., and the following parties as indicated on **February 28, 2013**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainants Litepanels, Ltd. and Litepanels, Inc.:

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Boston, MA 02110

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 Other: _____

On Behalf of Respondents Flolight, LLC, Prompter People, Inc., IKAN Corporation and Advanced Business Computer Services, LLC (d/b/a Cool Lights USA):

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LAW OFFICE OF WILLIAM G. SHAW, JR.
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On Behalf of Respondents Fotodiox Inc., Yuvao Lishuai Photo-Facility Co., Ltd., Yuvao Fotodiox Photo Equipment Co., Ltd. and Yuvao Lily Collection Co., Ltd.:

Merritt R. Blakeslee, Esq.
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**CERTAIN LED PHOTOGRAPHIC LIGHTING DEVICES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-804

Certificate of Service – Page 2

Respondent:

Stellar Lighting Systems
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Los Angeles, CA 90015

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- Other: _____

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

In the Matter of

CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF

Investigation No. 337-TA-804

NOTICE OF THE COMMISSION'S DETERMINATION TO REVIEW IN PART
THE FINAL INITIAL DETERMINATION

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on September 7, 2012, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in this investigation.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 7, 2011, based on a complaint filed by Litepanels, Inc. and Litepanels, Ltd. (collectively, "Litepanels"). 76 *Fed. Reg.* 55416 (Sept. 7, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe certain claims of U.S. Patent Nos. 7,429,117 (terminated from the

investigation); 7,510,290 (terminated from the investigation); 7,972,022 (“the ’022 patent”); 7,318,652 (“the ’652 patent”); and 6,948,823 (“the ’823 patent”). The Notice of Institution named respondents Flolight, LLC. of Campbell, California; Prompter People, Inc. of Campbell, California; IKAN Corporation of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California; Fotodiox, Inc. of Waukegan, Illinois; Fuzhou F&V Photographic Equipment Co., Ltd. of Fujian, China; Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China; Yuyao Fotodiox Photo Equipment Co., Ltd. of Zhejiang Province, China; Shantou Nanguang Photographic Equipment Co., Ltd. of Guangdong Province, China; Visio Light, Inc. of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment Factory of Tianjin, China; Stellar Lighting Systems of Los Angeles, California; and Yuyao Lily Collection Co., Ltd. of Yuyao, China. The Commission Investigative Attorney (“IA”) of the Office of Unfair Import Investigations also participated in this investigation.

On September 7, 2012, the ALJ issued the subject final ID finding a violation of section 337. The ALJ held that a violation occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or more of claims 1, 57-58, and 60 of the ’022 patent; claims 1, 2, 5, 16, 18, 19, 25 and 27 of the ’652 patent; and claim 19 of the ’823 patent. ID at ii. The ALJ further held that no violation of section 337 occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe claims 17 and 28 of the ’823 patent because claims 17 and 28 are anticipated. *Id.* at ii, 81.

Litepanels petitions for review of the ALJ’s construction of the preamble of claim 17 of the ’823 patent and asserts that the ALJ incorrectly found that independent claim 17 and dependent claim 28 of the ’823 patent were invalid based on his incorrect construction. The IA petitioned for review of the ALJ’s finding that claims 17, 19 and 28 of the ’823 patent are infringed based on the construction of the term “an integrated power source” of independent claim 17. Respondents petitioned for review of most of the ALJ’s invalidity findings (including public use, and obviousness), the construction of “focusing element” of claim 1 of the ’652 patent, and the exclusion of claim charts.

The Commission has determined to review the ID in part. The Commission has determined to review (1) the ALJ’s construction of the preamble of the asserted independent claims of the ’652 patent, the ’823 patent and the ’022 patent; (2) the ALJ’s findings of infringement; (3) the ALJ’s findings of obviousness and anticipation; (4) the ALJ’s construction of “an integrated power source” of claim 17 of the ’823 patent; and (5) the ALJ’s findings on the technical prong of domestic industry. The Commission has determined not to review the remainder of the ID.

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

- (1) If the Commission were to determine that the preambles of the asserted independent claims of the '652 patent, the '823 patent and the '022 patent are limitations and should be interpreted based on their plain and ordinary meaning (*see* ID at 44), what impact, if any, does this have on the ALJ's findings regarding anticipation and obviousness for the asserted patents? Please cite to record evidence to support your position.
- (2) If the Commission were to determine that the preambles of the asserted independent claims of the '652 patent, the '823 patent and the '022 patent are limitations and should be interpreted based on their plain and ordinary meaning (*see* ID at 44), do the accused products and domestic industry products meet the preamble limitation of each of the asserted independent claims? Please cite to record evidence to support your position. Have the Respondents waived the ability to challenge a finding that the preambles of the asserted independent claims, interpreted based on their plain and ordinary meaning, are met by the accused products?

In connection with the final disposition of this investigation, the Commission may issue an order that could result in the exclusion of the subject articles from entry into the United States. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. The Commission is particularly interested in responses to the following questions:

- (1) Please discuss the technical and qualitative interchangeability of Litepanels and its licensees' products with the products that would be excluded under a general exclusion order. Please discuss the evidence that supports your position.
- (2) Discuss whether Litepanels and its licensees have sufficient capability to meet the demand for any products that would be excluded under a general exclusion order. Please discuss the evidence that supports your position, including evidence regarding current manufacturing capacity and product interchangeability.
- (3) What lead time would be required for existing manufacturers to modify their allegedly infringing products to be noninfringing? Please discuss the evidence that supports your position.
- (4) Please discuss specific evidence pertaining to any specialized requirements of the film, video, photographic industries, or any other industries, that cannot be met by the products of Litepanels or its licensees, but are only met by the products that would be excluded under a general exclusion order.

- (5) Please provide specific evidence regarding the impact, if any, of a general exclusion order on public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers.

If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 *Fed. Reg.* 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, as well as respond to the questions posed herein relating to remedy and the public interest. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and IA are also requested to submit proposed remedial orders for the Commission's consideration.

Complainant is also requested to state the dates that the '853, '022 and '652 patents expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Wednesday, November 28, 2012. Reply submissions must be filed no later than the close of business on Wednesday, December 5, 2012. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-804") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. § 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-46 and 210.50).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: November 13, 2012

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon, the Commission Investigative Attorney, Maresa A. Frederick, Esq., and the following parties as indicated on **November 14, 2012**.



Lisa R. Barton, Acting Secretary
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**On Behalf of Respondents Flolight, LLC, Prompter People,
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Services, LLC (d/b/a Cool Lights USA):**

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**On Behalf of Respondents Fotodiox Inc., Yuyao Lishuai Photo-
Facility Co., Ltd., Yuyao Fotodiox Photo Equipment Co., Ltd.
and Yuyao Lily Collection Co., Ltd.:**

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**CERTAIN LED PHOTOGRAPHIC LIGHTING DEVICES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-804

Certificate of Service – Page 2

Respondent:

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1500 Los Angeles Street, Suite 4
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- Via First Class Mail
- Other: _____

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-804

**INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

Administrative Law Judge Theodore R. Essex

(September 7, 2012)

Appearances:

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Tuhin Ganguly, Esq. of Pepper Hamilton LLP of Washington, D.C.

James M. Wodarski, Esq., Michael C. Newman, Esq., Andrew H. DeVoogd, Esq., Daniel B. Weinger, Esq., and Matthew D. Durrell, Esq. of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. of Boston, Massachusetts

For the Respondents Fotodiox, Inc., Yuyao Fotodiox Photo Equipment Co., Ltd., Yuyao Lishuai Photo Facility Co., Ltd., Yuyao Lily Collection Co. Ltd.:

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Scott M. Daniels, Esq. of Westermann, Hattori, Daniels & Adrian, LLP of Washington, D.C.

Richard Mertl, Esq. of New York, New York

For the Respondents Prompter People, Inc., Flo Light, LLC, Ikan International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights:

William G. Shaw, Jr. of Arlington, Texas

For the Commission Investigative Staff:

Lynn I. Levine, Esq., Director; David O. Lloyd, Esq., Supervising Attorney; Mareesa A. Frederick, Esq., Investigative Attorney of the Office of Unfair Import Investigations, U.S. International Trade Commission, of Washington, D.C.

PUBLIC VERSION

Pursuant to the Notice of Investigation, 76 Fed. Reg. 54416 (September 7, 2011), this is the Initial Determination of the in the matter of *Certain LED Photographic Lighting Devices, and Components Thereof*, United States International Trade Commission Investigation No. 337-TA-804. See 19 C.F.R. § 210.42(a).

It is held that a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or of claims 1, 57-58, and 60 of U.S. Patent No. 7,972,022 (“the ’022 Patent”); claims 1, 2, 5, 16, 18, 19, 25 and 27 of U.S. Patent No. 7,318,652 (“the ’652 Patent”); claim 19 of U.S. Patent No. 6,948,823 (“the ’823 Patent”). It is held that no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe claims 17 and 28 of U.S. Patent No. 6,948,823.

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 B. The '823 Patent..... 50

 1. “An illumination system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a lightweight, portable frame having a panel including a mounting surface” (claim 17)..... 51

 2. “a plurality of semiconductor light elements disposed on said mounting surface” (claim 17) 51

 3. “an integrated power source contained within or secured to said portable frame” (claim 17) 51

 4. “wherein said portable frame is adapted for being securably [sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” (claim 17) 53

 5. “The illumination system of claim 17, further comprising a control input for selectively controlling an illumination level of said semiconductor light elements” (claim 19) 54

 6. “The illumination system of claim 17, wherein said panel is substantially flat and rectangular” (claim 28)..... 54

 C. The '652 Patent..... 55

 1. “A lighting system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a portable frame having a panel including a mounting surface;” (claim 1) 55

 2. “a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range;” (claim 1) 56

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3. “and a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements” (claim 1) 56

4. “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand”(claim 1)..... 58

5. “The lighting system of claim 1, wherein said focusing element comprises a lens or filter.” (claim 2)..... 58

6. “The lighting system of claim 1, wherein said focusing element increases the directivity of light emitted by said semiconductor light elements” (claim 5)..... 59

7. “The lighting system of claim 1, wherein said color temperature range includes approximately 5500-7500 degrees Kelvin” (claim 16) 59

8. “The lighting system of claim 1, wherein all of said semiconductor light elements emit light at substantially the same color temperature.” (claim 18)..... 60

9. “The lighting system of claim 1, wherein substantially all of said semiconductor light elements emit light at a similar color temperature” (claim 19)..... 60

10. “The lighting system of claim 1, wherein said panel comprises a circuit board, and wherein said semiconductor light elements are mounted thereto.” (claim 25) 61

11. “The lighting system of claim 1, wherein said semiconductor light elements provide a continuous source of illumination.” (claim 27)..... 61

D. The '022 Patent..... 61

1. “An apparatus for illuminating a subject for film, photography or..... 61

2. “a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range” (claim 1) 62

3. “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted” (claim 1)..... 62

4. “wherein said frame is adapted for being mounted to and readily disengaged from a stand” (claim 1) 63

5. “The apparatus of claim 1, wherein a first plurality of said semiconductor light elements emit light in a first color temperature range suitable for image capture, and a second plurality of semiconductor light elements emit light in a second color temperature range suitable for image capture.” (claim 57) 63

6. “The apparatus of claim 57, wherein said first color temperature range comprises daylight color temperature, and wherein said second color temperature range comprises tungsten color temperature.” (claim 58)..... 64

7. “The apparatus of claim 57, wherein approximately half of said semiconductor light elements individually emit light over a daylight color spectrum and approximately half of said semiconductor light elements individually emit light over a tungsten color spectrum.” (claim 60) 64

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The following abbreviations may be used in this Initial Determination:

CDX	Complainants' demonstrative exhibit
CIB	Complainants' initial post-hearing brief
CPX	Complainants' physical exhibit
CRB	Complainants' reply post-hearing brief
CX	Complainants' exhibit
Dep.	Deposition
JX	Joint Exhibit
RDX	Respondents' demonstrative exhibit
RIB	Respondents' initial post-hearing brief
RPX	Respondents' physical exhibit
RRB	Respondents' reply post-hearing brief
RRX	Respondents' rebuttal exhibit
RX	Respondents' exhibit
SIB	Staff's initial post-hearing brief
SRB	Staff's reply post-hearing brief
Tr.	Transcript

I. BACKGROUND

A. Institution and Procedural History of This Investigation

By publication of a notice in the *Federal Register* on September 7, 2011, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted Investigation No. 337-TA-804 with respect to U.S. Patent No. 7,972,022 (“the ’022 Patent”); U.S. Patent No. 7,510,290 (“the ’290 Patent”); U.S. Patent No. 7,429,117 (“the ’117 Patent”); U.S. Patent No. 7,318,652 (“the ’652 Patent”); U.S. Patent No. 6,948,823 (“the ’823 Patent”) to determine:

[W]hether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or of claims 1 and 57-60 of the ’022 patent; claims 9-26, 47, 51, 53-60, and 62 of the ’290 patent; claims 1, 2, 5-13, 17-25, 28-35, 38-43, 45-47, and 50 of the ’117 patent; claims 1, 2, 5, 7, 10, 11, 15-22, 24-34, and 37 of the ’652 patent; claims 17-21, 23-29, 85-88, and 90-93 of the ’823 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

76 Fed. Reg. 54416 (September 7, 2011).

The complainant is Litepanels, Inc. of Van Nuys, California and Litepanels Ltd. of Suffolk, United Kingdom (collectively, “Litepanels”). The respondents were Flolight, LLC. of Campbell, California; Prompter People, Inc. of Campbell, California; IKAN Corporation of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California; Fotodiox, Inc. of Waukegan, Illinois; Fuzhou F&V Photographic Equipment Co., Ltd. of Fujian, China; Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China; Yuyao Fotodiox Photo Equipment Co., Ltd. of Zhejiang Province, China; Shantou Nanguang Photographic Equipment Co., Ltd. of Guangdong Province, China; Visio Light, Inc. of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment

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Factory of Tianjin, China; Stellar Lighting Systems of Los Angeles, California; and Yuyao Lily Collection Co., Ltd. of Yuyao, China. The Commission Investigative Staff of the Office of Unfair Import Investigations is also a party in this investigation. (*Id.*)

On October 18, 2011, respondent Visio Light, Inc. (“Visio”) filed an unopposed motion to terminate the investigation based on entry of a consent order. On November 8, 2011, the ALJ issued an initial determination granting Visio’s motion to terminate. (Order No. 8: ID Granting Visio’s Motion to Terminate Based on Consent Order (November 8, 2011).) The Commission determined not to review the Initial Determination terminating the investigation as to Visio. (*See* Notice of Commission Determination Not to Review an Initial Determination the Investigation as to Respondent Visio Light, Inc. Based on Entry of Consent Order; Issuance of Consent Order (December 2, 2011).)

On November 15, 2011, Litepanels moved for an order to show cause why Tianjin Wuqing Huanyu Film and TV Equipment Factory should not be held in default. (Order No. 11: ID Granting Litepanels’ Motion for Entry of Default Against Tianjin Wuqing Huanyu Film and TV Equipment Factory, at 1 (December 21, 2011).) On November 23, 2011, the ALJ issued an order to show cause why Tianjin Wuqing Huanyu Film and TV Equipment Factory should not be held in default. (*Id.*) No response was received. On December 21, 2011, the ALJ issued an initial determination finding Tianjin Wuqing Huanyu Film and TV Equipment Factory in default. (*Id.* at 3.) The Commission determined not to review the initial determination finding Tianjin Wuqing Huanyu Film and TV Equipment Factory in default. (*See* Notice of Commission Determination Not to Review an Initial Determination Finding Respondent Tianjin Wuqing Huanyu Film and TV Equipment Factory in Default (January 17, 2012).)

PUBLIC VERSION

On January 12, 2012, Litepanels and respondent Elation Lighting, Inc. jointly moved to terminate the investigation Elation based on a confidential settlement agreement. On February 8, 2012, the ALJ issued an initial determination terminating the investigation as to respondent Elation based upon the confidential settlement agreement. (Order No. 14: ID Granting Joint Motion to Terminate Respondent Elation Lighting, Inc. Based Upon a Confidential Settlement Agreement (February 8, 2012).) The Commission determined not to review the initial determination. (See Notice of Commission Determination Not to Review an Initial Determination Terminating Respondent Elation Lighting, Inc. from the Investigation (March 2, 2012).)

On March 21, 2012, Litepanels filed an unopposed motion to terminate the Investigation as to certain asserted claims, namely claims 9-26, 47, 51, 53-60, and 62 of the '290 Patent; claims 1, 2, 5-13, 17-25, 28-35, 38-43, 45-47, and 50 of the '117 Patent. On April 10, 2012, the ALJ issued an initial determination granting the motion for partial termination. (Order No. 19: Initial Determination Granting Motion to Terminate the Investigation as to Certain Claims (April 10, 2012).) The Commission determined not to review the Initial Determination terminating the investigation as to claims 9-26, 47, 51, 53-60, and 62 of the '290 Patent; claims 1, 2, 5-13, 17-25, 28-35, 38-43, 45-47, and 50 of the '117 Patent. (See Notice of Commission Determination to Review an Initial Determination Terminating U.S. Patent Nos. 7,510,290 and 7,429,117 from the Investigation (April 10, 2012).)

On April 19, 2012, Litepanels filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement of 19 U.S.C. § 1337(a) based on their substantial investment in an industry within the United States with respect to articles protected by U.S. Patent Nos. 6,948,823; 7,318,652; and 7,972,022 (collectively, "Asserted Patents"). On

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May 30, 2012, the ALJ issued an initial determination granting summary determination that Litepanels satisfied the economic prong of the domestic industry requirement. (*See* Order No. 22: ID Granting Complainant's Motion for Summary Determination That They Satisfy the Economic Prong of the Domestic Industry Requirement (May 30, 2012).) The Commission determined not to review the Initial Determination. (*See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainants' Motion that They Have Met the Economic Prong of the Domestic Industry Requirement (June 20, 2012).)

On June 1, 2012, Litepanels filed an unopposed motion for partial termination of the investigation as to claims 18, 20, 21, 23, 24, 25, 26, 27, 29, 85, 86, 87, 88, 90, 91, 92 and 93 of U.S. Patent No. 6,948,823 ("the '823 Patent"); claims 6, 7, 8, 9, 10, 11, 12, 13, 17, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 45, 46, 47 and 50 of U.S. Patent No. 7,318,652 ("the '652 Patent"); and claim 59 of U.S. Patent No. 7,972,022 ("the '022 Patent"). On June 15, 2012, the ALJ issued an initial determination granting Litepanels's motion and partially terminating the investigation as to claims 18, 20, 21, 23, 24, 25, 26, 27, 29, 85, 86, 87, 88, 90, 91, 92 and 93 of the '823 Patent; claims 6, 7, 8, 9, 10, 11, 12, 13, 17, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 45, 46, 47 and 50 of the '652 Patent; and claim 59 of the '022 Patent. (Order No. 28: ID Granting Partial Termination of the Investigation With Respect to Certain Claims of U.S. Patent Nos. 6,948,823, 7,318,652, and 7,972,022. The Commission determined not to review this initial determination. (*See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainant's Motion for Partial Termination of the Investigation with Respect to Certain Claims of U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022 (July 9, 2012).)

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On June 18, 2012, Litepanels and respondents Fuzhou F&V Photographic Equipment Co., Ltd. (F&V) and Shantou Nanguang Photographic Equipment Co., Ltd. (Nanguang) filed a joint motion to terminate the investigation based upon entry of a consent order. On July 10, 2012, the ALJ issued an initial determination terminating the investigation as to F&V and Nanguang based upon entry of the consent order. (Order No. 29: ID Granting Motion to Terminate the Investigation as to the F&V Nanguang Respondents Based Upon Consent Order (July 10, 2012).) The Commission determined not to review this initial determination. (See Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Fuzhou F&V Photographic Equipment Co., Ltd. and Shantou Nanguang Photographic Equipment Co., Ltd. Based on Entry of a Consent Order (July 26, 2012).)

The evidentiary hearing took place from June 18-20, 2012.

B. The Parties

Litepanels Inc. is a Delaware corporation with its headquarters located in Van Nuys, California. (Complaint ¶ 12.) Litepanels Ltd. is a limited company existing and organized under the laws of the United Kingdom with its offices in Kingston-upon-Thames, Surrey, England. (*Id.*) Litepanels Ltd. is the owner by right title and interest of each of the Asserted Patents. (*Id.*) Litepanels, Inc. is the exclusive licensee of each of the Asserted Patents. (*Id.*) Litepanels, Inc. designs and manufactures LED-based lighting systems for the film, video, and still photography industries. (*Id.*)

Respondent Advanced Business Computer Services d/b/a Cool Lights USA (“Cool Lights”) is a Texas limited liability company with its principal place of business in Houston, Texas. (Prompter People Respondents’ Answer to the Complaint ¶ 16.) Cool Lights imports

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LED photographic lighting devices that are manufactured abroad and sells these products within the United States after importation. (CX-217C at RFA Nos. 2-4, 6-8.)

Respondent Flolight LLC (“Flolight”) is a California limited liability company with its principal offices in San Jose, California. (Prompter People Answer ¶ 18.) Flolight imports into the United States and sells after importation in the United States LED photographic lighting devices. (*Id.*)

Respondent Prompter People, Inc. (“Prompter People”) is a California corporation with its principal place of business in Campbell, California. (Prompter People Answer ¶ 18.) Prompter People imports into the United States and sells after importation in the United States LED photographic lighting devices. (*Id.*)

Respondent Fotodiox, Inc. is an Illinois corporation with its corporate offices in Waukegan, Illinois. (Fotodiox Answer ¶ 19.) Fotodiox imports into the United States and sells after importation in the United States LED photographic lighting devices. (CX-144C at RFA Nos. 1-8.)

Respondent IKAN Corporation (“IKAN”) is a Texas corporation with its principal place of business in Houston, Texas. (Prompter People Answer ¶ 21.) IKAN imports into the United States and sells after importation in the United States LED photographic lighting devices. (*Id.*)

Respondent Stellar Lighting Systems is a sole proprietorship with its principal place of business in Los Angeles, California. (CIB at 7.) Stellar markets, offers for sale, and sells, and imports in the United States. LED photographic lighting devices. (*Id.*)

Respondent Tianjin Wuqing Huanyu Film and TV Equipment Factory is a corporation organized and existing under the laws of the People’s Republic of China with its corporate

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offices in Liudaokou Village, Changugang Town, Wuqing, Trianjin Province, China. (Complaint, ¶ 24.)

Respondent Yuyao Fotodiox Photo Equipment Co., Ltd. (“Fotodiox China”) is a corporation organized and existing under the laws of the People’s Republic of China with its corporate offices in Lizhou District, Yuyao City, Zhejiang Province, China. (CIB at 7-8.) Fotodiox China manufactures LED photographic lighting

Respondent Yuyao Lishuai Photo-Facility Co., Ltd. is a corporation organized and existing under the laws of the People’s Republic of China with its corporate offices in Lizhou District, Yuyao City, Zhejiang Province, China.

Respondent Yuyao Lily Collection Co. is a Chinese company with its corporate offices in Yuyao, China.

C. The Patents at Issue and Overview of the Technology

1. The ’652 Patent

U.S. Patent No. 7,318,652 (“the ’652 Patent”), entitled “Versatile Stand-Mounted Wide Area Lighting Apparatus,” was filed on February 1, 2005, and issued on January 15, 2008. (*See* JX-4). Rudy Pohlert, Pat Grosswendt, Ken Fisher, and Kevin Baxter are the named inventors of the ’652 Patent. (*Id.*) The ’652 Patent claims priority back to an application filed on September 7, 2001.

The asserted claims of the ’652 Patent are claims 1, 2, 5, 16, 18, 19, 25, and 27. Claim 1 is an independent claim. All of the other asserted claims of the ’652 Patent depend on claim 1. These claims read as follows (with the disputed claim terms in **bold**):

1 A lighting system **suitable to provide proper illumination for lighting of a subject in film or video**, comprising:

a portable frame having a panel including a mounting surface;

a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range; and

a **focusing element** for adjusting the focus and/or direction of the light emitted by said semiconductor light elements;

wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.

2. The lighting system of claim 1, wherein said focusing element comprises a lens or filter.

5. The lighting system of claim 1, wherein said focusing element increases the directivity of light emitted by said semiconductor light elements.

16. The lighting system of claim 1, wherein said color temperature range includes approximately 5500-7500 degrees Kelvin.

18. The lighting system of claim 1, wherein all of said semiconductor light elements emit light at substantially the same color temperature.

19. The lighting system of claim 1, wherein substantially all of said semiconductor light elements emit light at a similar color temperature.

25. The lighting system of claim 1, wherein said panel comprises a circuit board, and wherein said semiconductor light elements are mounted thereto.

27. The lighting system of claim 1, wherein said semiconductor light elements provide a continuous source of illumination.

The '652 Patent generally discloses and claims a lighting system using lamp elements such as light emitting diodes. (*Id.* at Abstract.)

2. The '022 Patent

U.S. Patent No. 7,972,022 (“the '022 Patent”), entitled “Stand-Mounted Light Panel for Natural Illumination in Film, Television, or Video,” was filed on March 30, 2009, and issued on July 5, 2011. (*See* JX-1 (the '022 Patent)). Rudy Pohlert, Pat Grosswendt, Ken Fisher, and Kevin Baxter are the named inventors of the '022 Patent and complainant Litepanels Ltd. is the assignee. (*Id.*) The '022 Patent claims priority back to the same application as the '652 Patent that was filed on September 7, 2001.

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The asserted claims of the '022 Patent are claims 1, 57, 58, and 60. Claim 1 is an independent claim; claim 57 is a dependent claim that depends on claim 1; and claims 58 and 60 depend on claim 57. These claims read as follows (with the disputed claim terms in **bold**):

1. An apparatus for **illuminating a subject for film, photography or video**, the apparatus comprising:
a frame having a front;

a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination,

said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range;

and a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;

wherein said frame is adapted for being mounted to and readily disengaged from a stand.

57. The apparatus of claim 1, wherein a first plurality of said semiconductor light elements emit light in a first color temperature range suitable for image capture, and a second plurality of said semiconductor light elements emit light in a second color temperature range suitable for image capture.

58. The apparatus of claim 57, wherein said first color temperature range comprises daylight color temperature, and wherein said second color temperature range comprises tungsten color temperature.

60. The apparatus of claim 57, wherein approximately half of said semiconductor light elements individually emit light over a daylight color spectrum and approximately half of said semiconductor light elements individually emit light over a tungsten color spectrum.

The '022 Patent generally discloses and claims an apparatus for lighting. (*Id.* at Abstract.)

3. The '823 Patent

U.S. Patent No. 6,948,823 (“the '823 Patent”), entitled “Wide Area Lighting Apparatus and Effects System,” was filed on September 9, 2002, and issued on September 27, 2005. (*See*

JX-7 (the '372 Patent)). Rudy Pohlert, Pat Grosswendt, Ken Fisher, and Kevin Baxter are the named inventors of the '823 Patent. (*Id.*) The '823 Patent relates to a lighting system. (*Id.* at Abstract.) The asserted claims of the '823 Patent are claims 17, 19, and 28. Claim 17 is an independent claim and claims 19 and 28 depend on claim 17. These claims read as follows:

17. An illumination system **suitable to provide proper illumination for lighting of a subject in film or video**, comprising:

a lightweight, portable frame having a panel including a mounting surface;

a plurality of semiconductor light elements disposed on said mounting surface;

an integrated power source contained within or secured to said portable frame;

wherein said portable frame is adapted for being securably [sic]attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.

19. The illumination system of claim 17, further comprising a control input for selectively controlling an illumination level of said semiconductor light elements.

28. The illumination system of claim 17, wherein said panel is substantially flat and rectangular.

D. The Products At Issue

1. The Accused Products

The accused products that remain at issue are photographic lighting devices made or sold by the named respondents.

Litepanels's accusations can summed up in following table:

iLED100	x	x	x	x	x	x	x	x	x	x	x	x			
iLED120	x	x	x	x	x	x	x	x	x	x	x	x			
iLED150	x	x	x	x	x	x	x	x	x	x	x	x			
iLED155	x	x	x	x	x	x	x	x	x	x	x	x			
iLED312	x	x	x				x	x	x	x	x	x	x	x	x

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iLED144	x	x	x				x	x	x	x	x	x	x	x	x
ID500	x	x	x	x	x	x	x	x				x			
ID508	x	x	x	x	x	x	x	x				x			
ID1000	x	x	x	x	x	x	x	x				x			
IDMX1000	x	x	x	x	x	x	x	x				x			
ID1500	x	x	x	x	x	x	x	x				x			
IB1000	x	x	x				x	x				x	x	x	x
IB508	x	x	x				x	x				x	x	x	x
IB1500	x	x	x				x	x				x	x	x	x
96D	x	x	x	x	x	x	x	x	x	x	x	x			
170MAX	x	x	x	x	x	x	x	x	x	x	x	x			
LED500A	x	x	x	x	x	x	x	x				x			
LED1000	x	x	x	x	x	x	x	x				x			
LED1000A	x	x	x	x	x	x	x	x				x			
LED1000ASV	x	x	x				x	x				x	x	x	x
LED120A	x	x	x	x	x	x	x	x	x	x	x	x			
LED144A	x	x	x	x	x	x	x	x	x	x	x	x			
LED144AS	x	x	x				x	x	x	x	x	x	x	x	x
LED312A	x	x	x	x	x	x	x	x	x	x	x	x			
LED209A	x	x	x	x	x	x	x	x	x	x	x	x			
LED312AS	x	x	x				x	x	x	x	x	x	x	x	x
LED500	x	x	x	x	x	x	x	x				x			
LED500AV	x	x	x	x	x	x	x	x				x			
LED508A	x	x	x	x	x	x	x	x				x			
LED98A	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam1024 30° Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam1024 60° Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam1024 30° Tungsten	x	x	x		x	x	x	x				x			
MicroBeam1024 60° Tungsten	x	x	x		x	x	x	x				x			
MicroBeam256 30° Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam256 60° Daylight	x	x	x	x	x	x	x	x	x	x	x	x			
MicroBeam256 30° Tungsten	x	x	x		x	x	x	x	x	x	x	x			
MicroBeam256 60° Tungsten	x	x	x		x	x	x	x	x	x	x	x			
MicroBeam512 30° Daylight	x	x	x	x	x	x	x	x				x			
MicroBeam512 60° Daylight	x	x	x	x	x	x	x	x				x			

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MicroBeam512 30 ⁰ Tungsten	x	x	x		x	x	x	x				x							
MicroBeam512 60 ⁰ Tungsten	x	x	x		x	x	x	x				x							
MicroBeam128 30 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x							
MicroBeam128 60 ⁰ Daylight	x	x	x	x	x	x	x	x	x	x	x	x							
MicroBeam128 30 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x							
MicroBeam128 60 ⁰ Tungsten	x	x	x		x	x	x	x	x	x	x	x							
CL-LED 1200 Daylight Products (Spot and Flood)	x	x	x		x	x	x	x				x							
CL-LED 1200 Bi-Color Products (Spot and Flood)	x	x	x				x	x				x							
CL-LED 256 Daylight Panel	x	x	x		x	x	x	x				x							
CL-LED 256 Tungsten Panel	x	x	x		x	x	x	x				x							
CL-LED 600 Daylight Products (Spot and Flood)	x	x	x		x	x	x	x				x							
CL-LED 600 Tungsten Products (Spot and Flood)	x	x	x				x	x				x							

Litepanels has grouped the products into various “product families” and contends that certain “representative products” operate in the same way as other products in the same product family. (CIB at 20-21.)

Litepanels contends that the Ikan iLED155 is a representative product of the Ikan Daylight Devices, including the ID1000, ID500, IDMX1000, ID508, ID1500, iLED100, iLED150, and iLED120. The Ikan iLED312 is a representative product of the Ikan Bicolor Devices, including the iLED144, IB1000, IB508, and IB1500. (CX-1971C at Q&A 621-627; CX-793-CX-796; CX-747-CX-769.)

Litepanels asserts that the CL-LED256 Daylight Panel is a representative product of the CoolLights Single Color Temperature Devices, including the single color models of the CL-LED256 product line, the CL-LED600 product line and the CL-LED1200 product line. Litepanels also submits that the CL-LED1200 BiColor Spot is a representative product of the CoolLights Bicolor Devices, including the CL-LED1200 BiColor Flood. (CX-1971C at Q&A

655-661; CX-2085C at Q&A 1-9, 13-15; CX-1988-CX-1990; CX-1985; CX-621; CX-624; CX-117-CX-121; CX-942-CX-944; CX-1991C; CX-2084; CX-2081.)

Litepanels argues that the Microbeam 256 60° Daylight is a representative product of the FloLight/Prompter Daylight Devices, including the 30° and 60° Daylight models of the, MicroBeam 128, 256, 512 and 1024. Litepanels contends that the Microbeam 256 60° Tungsten is a representative product of the FloLight/Prompter Tungsten Devices, including the 30° and 60° Tungsten models of the, MicroBeam 128, 256, 512 and 1024. (CX-1971C at Q&A 648-654; CX-2085C at Q&A 1-12; CX-211; CX-691; CX-694; CX-993; CX-995; CX-997; CX-998; CX-809; CX-773; CX-2083; CX-2080.)

Litepanels argues that the Stellar96D is a representative product of the Stellar Devices, including of the 170MAX. (CX-1971C at Q&A 628-634; CX-705; CX-938; CX-939.)

Litepanels asserts that the Fotodiox LED312A is a representative product of the Fotodiox Daylight Devices, including the LED120A, LED144A, LED500AV, LED508A, LED1000, LED98A, LED209A, LED500, LED500A, and LED1000A. (BK-263.) The LED312AS is a representative product of the Fotodiox Bicolor Devices, including the LED144AS and LED1000ASV. (CX-1971C at Q&A 621-627; 642-647; CX-793-CX-795; CX-747-CX-768; CX-209;

2. Domestic Industry Products

Litepanels submits that the MiniPlus, Micro, and Cromas Series lighting devices practice claims 1 of the '652 Patent, claim 1 of the '022 Patent, and claim 17 of the '823 Patent. Litepanels also contends that the 1x1 Series lighting devices practice claim 1 of the '652 Patent and claim 1 of the '022 Patent.

II. IMPORTATION OR SALE

Section 337 of the Tariff Act prohibits the importation into the United States, the sale for importation, or the sale within the United States after importation by the owner, importer, or consignees of articles that infringe a valid and enforceable United States patent. *See* 19 U.S.C. § 1337(a)(1)(B). A complainant “need only prove importation of a single accused product to satisfy the importation element.” *Certain Purple Protective Gloves*, 337-TA-500, Order No. 17 (September 23, 2004). The importation requirement can be established through a summary determination motion and irrespective of any finding of infringement of the patents in issue. *See Certain Wireless Communications Equipment, Articles Therein, and Products Containing Same*, 337-TA-577, Order No. 18 (February 22, 2007); *Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy Duty Trucks and Components Thereof*, 337-TA-503, Order No. 38 (August 12, 2004); *Certain Audio Digital-To-Analog Converters and Products Containing Same*, 337-TA-499, Order No. 15 (June 29, 2004), Notice of Commission Not To Review (July 28, 2004).

Each respondent to this investigation has admitted to importing into the United States, selling for importation into the United States, and/or selling after importation in the United States the accused devices. (CX-251 ¶¶ 57, 59, 61-62 (Prompter People); CX-232C ¶¶ 3-6 (Flolight); CX-217C ¶¶ 2-4, 6-8, 10-12 (Cool Lights); CX-244C ¶¶ 2-3, 5-6, 8-9, 11-12, 14-15, 17-18, 20-21 (Ikan); CX-277C ¶¶ 63-77 (Yuyao FotodioX); CX-297C ¶¶ 63-77 (Yuyao Lishuai); CX-287C ¶¶ 1-2, 4 (YuYao Lily); CX-270C ¶¶ 1-2, 5-6 (Stellar Lighting Systems); CX-99C at 59:9-60:5, 75:4-6, 85:16-20, 99:15-100:13; CX-144C ¶¶ 1-8, 11-13, 15; CX-232C ¶¶ 1-6; CX-101C, at 97:19-22 and 142:12-18.) Respondents do not contest the importation requirement. Accordingly, the ALJ finds that Litepanels has established the importation requirement.

III. JURISDICTION

A. Personal and Subject Matter Jurisdiction

In order to have the power to decide a case, a court or agency must have both subject matter jurisdiction and jurisdiction over either the parties or the property involved. *See Certain Steel Rod Treating Apparatus and Components Thereof*, Inv. No. 337-TA-97, Commission Memorandum Opinion, 215 U.S.P.Q. 229, 231 (1981). For the reasons discussed below, the ALJ finds the Commission has jurisdiction over this investigation.

Section 337 declares unlawful the importation, the sale for importation, or the sale after importation into the United States of articles that infringe a valid and enforceable United States patent by the owner, importer, or consignee of the articles, if an industry relating to the articles protected by the patent exists or is in the process of being established in the United States. *See* 19 U.S.C. §§ 1337(a)(1)(B)(I) and (a)(2). Pursuant to Section 337, the Commission shall investigate alleged violations of the Section and hear and decide actions involving those alleged violations.

As set forth *supra* in Section II, Litepanels has met the importation requirement. Furthermore, the parties do not dispute that the Commission has *in personam* and *in rem* jurisdiction. (RIB at 19.) Accordingly, the ALJ finds that Respondents have submitted to the jurisdiction of the Commission. *See Certain Miniature Hacksaws*, Inv. No. 337-TA-237, Pub. No. 1948, Initial Determination at 4, 1986 WL 379287 (U.S.I.T.C., October 15, 1986) (unreviewed by Commission in relevant part).

IV. CLAIM CONSTRUCTION

A. Applicable Law

Pursuant to the Commission's Notice of Investigation, this investigation is a patent-based investigation. *See* 76 Fed. Reg. 54416 (September 7, 2011). Accordingly, all of the unfair acts alleged by Litepanels to have occurred are instances of alleged infringement of the '823, '652 and '022 Patents. A finding of infringement or non-infringement requires a two-step analytical approach. First, the asserted patent claims must be construed as a matter of law to determine their proper scope.¹ Claim interpretation is a question of law. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (*en banc*), *aff'd*, 517 U.S. 370 (1996); *Cybor Corp. v. FAS Techs., Inc.*, 138 F.3d 1448, 1455 (Fed. Cir. 1998). Second, a factual determination must be made as to whether the properly construed claims read on the accused devices. (*Id.* at 976).

In construing claims, the ALJ should first look to intrinsic evidence, which consists of the language of the claims, the patent's specification, and the prosecution history, as such evidence "is the most significant source of the legally operative meaning of disputed claim language." *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996); *see also Bell Atl. Network Servs., Inc. v. Covad Comm'n. Group, Inc.*, 262 F.3d 1258, 1267 (Fed. Cir. 2001). The words of the claims "define the scope of the patented invention." *Id.* And, the claims themselves "provide substantial guidance as to the meaning of particular claim terms." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005), *cert. denied*, 546 U.S. 1170 (2006). It is essential to consider a claim as a whole when construing each term, because the context in which a term is used in a claim "can be highly instructive." *Id.* Claim terms are presumed to be used consistently throughout the patent, such that the usage of the term in one claim can often

¹ Only claim terms in controversy need to be construed, and only to the extent necessary to resolve the controversy. *Vanderlande Indus. Nederland BV v. Int'l Trade Comm'n.*, 366 F.3d 1311, 1323 (Fed. Cir. 2004); *Vivid Tech., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

illuminate the meaning of the same term in other claims. *Research Plastics, Inc. v. Federal Pkg. Corp.*, 421 F.3d 1290, 1295 (Fed. Cir. 2005). In addition:

. . . in clarifying the meaning of claim terms, courts are free to use words that do not appear in the claim so long as the resulting claim interpretation . . . accord[s] with the words chosen by the patentee to stake out the boundary of the claimed property.

Pause Tech., Inc. v. TIVO, Inc., 419 F.3d 1326, 1333 (Fed. Cir. 2005).

Some claim terms do not have particular meaning in a field of art, in which case claim construction involves little more than applying the widely accepted meaning of commonly understood words. *Phillips*, 415 F.3d at 1314. Under such circumstances, a general purpose dictionary may be of use.² The presumption of ordinary meaning, however, will be “rebutted if the inventor has disavowed or disclaimed scope of coverage, by using words or expressions of manifest exclusion or restriction, representing a clear disavowal of claim scope.” *ACTV, Inc. v. Walt Disney Co.*, 346 F.3d 1082, 1091 (Fed. Cir. 2003).

Sometimes a claim term will have a specialized meaning in a field of art, in which case it is necessary to determine what a person of ordinary skill in that field of art would understand the disputed claim language to mean, viewing the claim terms in the context of the entire patent. *Phillips*, 415 F.3d at 1312-14; *Vitronics*, 90 F.3d at 1582. Under such circumstances, the ALJ must conduct an analysis of the words of the claims themselves, the patent specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, as well as the meaning of technical terms and the state of the art. *Id.*

A patentee may deviate from the conventional meaning of claim term by making his or her intended meaning clear (1) in the specification and/or (2) during the patent’s prosecution

² Use of a dictionary, however, may extend patent protection beyond that to which a patent should properly be afforded. There is also no guarantee that a term is used the same way in a treatise as it would be by a patentee. *Id.* at 1322.

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history. *Lear Siegler, Inc. v. Aeroquip Corp.*, 733 F.2d 881, 889 (Fed. Cir. 1984). If a claim term is defined contrary to the meaning given to it by those of ordinary skill in the art, the specification must communicate a deliberate and clear preference for the alternate definition. *Kumar v. Ovonic Battery Co.*, 351 F.3d 1364, 1368 (Fed. Cir. 2003). In other words, the intrinsic evidence must “clearly set forth” or “clearly redefine” a claim term so as to put one reasonably skilled in the art on notice that the patentee intended to so redefine the claim term. *Bell Atl.*, 262 F.3d at 1268; *see also Thorner v. Sony Computer Entertainment Am., LLC*, 669 F.3d 1362, 1665-67 (Fed. Cir. 2012).

When the meaning of a claim term is uncertain, the specification is usually the first and best place to look, aside from the claim itself, in order to find that meaning. *Phillips*, 415 F.3d at 1315. The specification of a patent “acts as a dictionary” both “when it expressly defines terms used in the claims” and “when it defines terms by implication.” *Vitronics*, 90 F.3d at 1582. For example, the specification “may define claim terms by implication such that the meaning may be found in or ascertained by a reading of the patent documents.” *Phillips*, 415 F.3d at 1323. “The construction that stays true to the claim language and most naturally aligns with the patent’s description of the invention will be, in the end, the correct construction.” *Id.* at 1316. However, as a general rule, particular examples or embodiments discussed in the specification are not to be read into the claims as limitations. *Markman*, 52 F.3d at 979.

The prosecution history “provides evidence of how the inventor and the PTO understood the patent.” *Phillips*, 415 F.3d at 1317. For example, the prosecution history may inform the meaning of the claim language by demonstrating how an inventor understood the invention and whether the inventor limited the invention in the course of prosecution, making the claim scope narrower than it otherwise would be. *Vitronics*, 90 F.3d at 1582-83; *see also Chimie v. PPG*

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Indus., Inc., 402 F.3d 1371, 1384 (Fed. Cir. 2005) (stating, “The purpose of consulting the prosecution history in construing a claim is to exclude any interpretation that was disclaimed during prosecution.”); *Microsoft Corp. v. Multi-tech Sys., Inc.*, 357 F.3d 1340, 1350 (Fed. Cir. 2004) (stating, “We have held that a statement made by the patentee during prosecution history of a patent in the same family as the patent-in-suit can operate as a disclaimer.”). The prosecution history includes the prior art cited, *Phillips*, 415 F.3d at 1317, as well as any reexamination of the patent. *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.* 849 F.2d 1430, 1440 (Fed. Cir. 1988) (“Statements made during reissue are relevant prosecution history when interpreting claims.”) (internal citations omitted).

Differences between claims may be helpful in understanding the meaning of claim terms. *Phillips*, 415 F.3d at 1314. A claim construction that gives meaning to all the terms of a claim is preferred over one that does not do so. *Merck & Co. v. Teva Pharms. USA, Inc.*, 395 F.3d 1364, 1372 (Fed. Cir.), *cert. denied*, 546 U.S. 972 (2005); *Alza Corp. v. Mylan Labs. Inc.*, 391 F.3d 1365, 1370 (Fed. Cir. 2004). In addition, the presence of a specific limitation in a dependent claim raises a presumption that the limitation is not present in the independent claim. *Phillips*, 415 F.3d at 1315. This presumption of claim differentiation is especially strong when the only difference between the independent and dependent claim is the limitation in dispute. *SunRace Roots Enter. Co., v. SRAM Corp.*, 336 F.3d 1298, 1303 (Fed. Cir. 2003). “[C]laim differentiation takes on relevance in the context of a claim construction that would render additional, or different, language in another independent claim superfluous.” *AllVoice Computing PLC v. Nuance Comm’ns, Inc.*, 504 F.3d 1236, 1247 (Fed. Cir. 2007).

The preamble of a claim may also be significant in interpreting that claim. The preamble is generally not construed to be a limitation on a claim. *Bell Commc’ns Research, Inc. v.*

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Vitalink Commc'ns Corp., 55 F.3d 615, 620 (Fed. Cir. 1995). However, the Federal Circuit has stated that:

[A] claim preamble has the import that the claim as a whole suggests for it. In other words, when the claim drafter chooses to use both the preamble and the body to define the subject matter of the claimed invention, the invention so defined, and not some other, is the one the patent protects.

Eaton Corp. v. Rockwell Int'l Corp., 323 F.3d 1332, 1339 (Fed. Cir. 2003). If the preamble, when read in the context of an entire claim, recites limitations of the claim, or if the claim preamble is “necessary to give life, meaning, and vitality” to the claim, then the claim preamble should be construed as if in the balance of the claim. *Kropa v. Robie*, 187 F.2d 150, 152 (CCPA 1951); see also *Rowe v. Dror*, 112 F.3d 473, 478 (Fed. Cir. 1997); *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257 (Fed. Cir. 1989). In addition:

[W]hen discussing the “claim” in such a circumstance, there is no meaningful distinction to be drawn between the claim preamble and the rest of the claim, for only together do they comprise the “claim.” If, however, the body of the claim fully and intrinsically sets forth the complete invention, including all of its limitations, and the preamble offers no distinct definition of any of the claimed invention’s limitations, but rather merely states the purpose or intended use of the invention, then the preamble may have no significance to claim construction because it cannot be said to constitute or explain a claim limitation.

Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305 (Fed. Cir. 1999). In *Pitney Bowes*, the claim preamble stated that the patent claimed a method of, or apparatus for, “producing on a photoreceptor an image of generated shapes made up of spots.” *Id.* at 1306. The Federal Circuit found that this was not merely a statement describing the invention’s intended field of use, but rather that said statement was intimately meshed with the ensuing language in the claim. *Id.* For example, both of the patent’s independent claims concluded with the clause, “whereby the appearance of smoothed edges are given to the generated shapes.” *Id.* Because this was the first appearance in the claim body of the term “generated shapes,” the Court

found that it could only be understood in the context of the preamble statement “producing on a photoreceptor an image of generated shapes made up of spots.” *Id.* The Court concluded that it was essential that the preamble and the remainder of the claim be construed as one unified and internally consistent recitation of the claimed invention. *Id.*

Finally, when the intrinsic evidence does not establish the meaning of a claim, the ALJ may consider extrinsic evidence, *i.e.*, all evidence external to the patent and the prosecution history, including inventor testimony, expert testimony and learned treatises. *Phillips*, 415 F.3d at 1317. Extrinsic evidence may be helpful in explaining scientific principles, the meaning of technical terms, and terms of art. *Vitronics*, 90 F.3d at 1583; *Markman*, 52 F.3d at 980. However, the Federal Circuit has generally viewed extrinsic evidence as less reliable than the patent itself and its prosecution history in determining how to define claim terms. *Phillips*, 415 F.3d at 1318. With respect to expert witnesses, any testimony that is clearly at odds with the claim construction mandated by the claims themselves, the patent specification, and the prosecution history should be discounted. *Id.* at 1318.

If the meaning of a claim term remains ambiguous after a review of the intrinsic and extrinsic evidence, then the patent claims should be construed so as to maintain their validity. *Id.* at 1327. However, if the only reasonable interpretation renders a claim invalid, then the claim should be found invalid. *See Rhine v. Casio, Inc.*, 183 F.3d 1342, 1345 (Fed. Cir. 1999).

B. Level of Ordinary Skill in the Art

In all three of the Asserted Patents, the field of the invention is “lighting apparatus and systems as may be used in film, television, photography and other applications.” (CX-1971C at Q&A 34-36; JX-1 at 1:20-23; JX-4 at 1:13-15; JX-7 at 1:12-14.)

Litepanels contends and the Respondents apparently agree (they offer no competing

definition) that a person holding ordinary skill in the art of this invention would be a professional cameraman, photographer, gaffer, director of photography, lighting director or other similar professional, having five to ten years of experience in the job, or equivalent education. (CX-1971C at Q&A 37.) Litepanels asserts that such an individual would have an understanding of lighting, lighting techniques, and light sources as they are used in the film, television, and video industries. (CX-1971C at Q&A 38.)

The ALJ agrees with this definition and finds that a person of ordinary skill in the art to which the asserted patents are directed would be a professional cameraman, photographer, gaffer, director of photography, lighting director or other similar professional, having five to ten years of experience in the job, or equivalent education and that such a person would have an understanding of lighting, lighting techniques, and light sources as they are used in the film, television, and video industries. The ALJ, however, declines to read particular claim constructions into the definition of the level of skill the art as sought by Litepanels.

C. Disputed Claim Terms³

- 1. Preamble — “suitable to provide proper illumination for lighting of a subject in film or video” (the ’652 and the ’823 Patents)/”illumination suitable for image capture”(the ’022 Patent)**

Litepanels’s Proposed Construction	Respondents’ Proposed Construction	Staff’s Proposed Construction
Illumination appropriate for filming movies, television shows, commercials, video clips, and/or still photographs. Said illumination permits the capture of a person’s face and eyes in a realistic, natural, aesthetically pleasing, emotive,	Preamble is not a limitation	Illumination appropriate to provide lighting of a subject in film or video

³ In their initial post-hearing briefs, Litepanels and Staff set forth proposed constructions and arguments for additional claim terms. However, Respondents did not propose any constructions in their post-hearing briefs, except to the extent discussed in this section. As such, the ALJ has determined not to construe the other claim terms set forth by Litepanels and Staff as they are not in dispute. *Vanderlande Indus.*, 366 F.3d at 1323.

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Litepanels's Proposed Construction	Respondents' Proposed Construction	Staff's Proposed Construction
and/or flattering manner by providing a desired hue, directivity, intensity, tone, warmth, evenness, and color temperature between tungsten (1000 K – 4200 K) and daylight (4200 K – 9500 K).		

Litepanels and Staff contend that the preambles of all of the asserted claims of the asserted patents are limiting. Respondents disagree. The ALJ finds that the preambles are not limiting.

In support of its contention that the preambles of the asserted claims are claim limitations, Litepanels argues that the preambles are a “key aspect” of the asserted claims that the “claimed illumination must be suitable to provide proper illumination for lighting a subject in film or video.” (CIB at 27.) Litepanels points to the caption of this investigation and its conduct in this investigation as evidence that it has always understood its claims limited to “photographic lighting.” (CIB at 27.) Litepanels asserts that “[i]t has always been Litepanels’ position—from the prosecution of the patents until today—that the preambles limit the inventions to devices that provide proper illumination for lighting a subject in film or video.” (CIB at 27 (emphasis in the original).) Specifically, Litepanels contends the preamble is limiting because: (1) “the patent applicants used the preamble to distinguish prior art that was not suitable to provide proper illumination for lighting of a subject in film or video”; (2) “the inventors were working on the specific problem of proper illumination for lighting of a subject in film or video”; (3) “the only context of the claimed invention relates to devices ‘suitable to provide proper illumination for lighting of a subject in film or video’” and the phrase is necessary to understand the invention; and (4) “the limitation ‘suitable to provide proper illumination for lighting of a subject in film or video’ adds a structural limitation to the body of the claim regarding the necessary characteristics and quality of light emitted.” (CIB at 27-28.)

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Litepanels also argues that the patent applicants “relied upon limitations in the preamble to disguises [*sic.*] both machine vision and colored LED prior art as being unsuitable to provide proper illumination for lighting a subject in film or video.” (CIB at 28, 29-33 (citing JX-4 at 2:65-3:35, 14:54-15:21, 15:48-57, 16:6-14).) Litepanels argues that “[i]t is uniformly established that reliance on the preamble to distinguish the claimed invention from prior art transforms the preamble into a claim limitation.” (CIB at 28.) Litepanels submits that “[h]ere, the public is entitled to rely upon Litepanels’ disavowal of certain machine vision and colored LED systems.” (CIB at 28.) Litepanels argues that these sections disclaim machine vision prior art and the mixing of narrow-band colored LED because these prior art implementations are not suitable to provide proper illumination for lighting of a subject in film or video. (CIB 28-32.) Litepanels asserts that “[d]uring prosecution the examiner was aware of many references in which LEDs were used to illuminate objects for video . . .” but allowed the claims to issue.” (CIB at 32-33.) Litepanels contends that “[t]he examiner understood, as would the public, that the preamble was intended to limit the claims.” (CIB at 32-33.)

Litepanels also argues that the preamble is limiting because “[t]he specification demonstrates a clear focus on a very specific type of lighting—lighting suitable to provide proper illumination for lighting of subject in film or video.” Litepanels notes that the Background of the Invention section of the specification mentions the importance of proper illumination in film, video, and photography. (CIB at 34-35 (citing JX-4 at 1:13-20, 22-28, 33-41, 46-53, 65-67, 2:10-15, 17-20, 43-52, 3:53-57).) Litepanels also points to additional language in the Summary of the Invention section of the specification that Litepanels further demonstrates that the focus of the invention is on lighting for film and video. (CIB at 37 (citing JX-4 at 3:61-4:9).) Litepanels also contends that the Detailed Description of Preferred Embodiments section of the

specification further confirms that the preamble is limiting as it frequently refers to film and video lighting. (CIB at 38-39.) Litepanels also asserts that the preamble is necessary to give context to the invention. (CIB at 40-41.)

Finally, Litepanels contends that the preamble is also a limitation because it includes structural limitations that are necessary to the claims. (CIB at 41.) Litepanels argues that the term “proper” in the preamble means that the “illumination must have certain characteristics that make it ‘proper.’” (CIB at 41.) Litepanels argues that the only components that can accomplish this requirement are white LEDs. (CIB at 41.) Thus, “the claims can only cover white LEDs[]” and “White LEDs are a structural element of the invention that is disclosed in the preamble.”⁴ (CIB at 41 (citations omitted).) Litepanels argues that “[t]hese structural aspects of proper illumination are detailed throughout the specification.” (CIB at 42 (citing JX-4 at 13:65-67 & Fig. 9.) Litepanels asserts that “proper illumination requires an appropriate hue, directivity, intensity, tone, warmth, evenness, and color temperature.” (CIB at 42.) Litepanels relies on the testimony of its expert, Mike Wood, to explain how those properties would be determined and how the preamble should be construed to meet those requirements. (CIB at 42 (citing CX-1971C at Q&A 28, 31, 33, 176-177, 195-202, 422-425; Tr. 632:13-22, 634:17-635:5, 638:5-639:6.)

Respondents argue that the preamble is not a claim limitation. Respondents argue that the claims are not limited to white LEDs as Litepanels contends. Respondents assert that such a limitation would violate the doctrine of claim differentiation. (RIB at 21-24.) Respondents further assert that “proper illumination” is at best a preferred advantage of some embodiments of

⁴ Litepanels argues in its reply brief that “nothing in Litepanels’ construction actually limits the claims to white LEDs or even LEDs.” (CRB at 3.) Litepanels’s contention in its reply brief ignores these arguments (quoted above) from its opening brief. Thus, contrary to its reply brief, Litepanels did contend that its claims “can only cover white LEDs.” (CIB at 41.) The ALJ finds that such an oversight is inexcusable and that Litepanels’s arguments in its reply brief regarding its claim construction for the preamble misrepresent its original position. The ALJ finds that this misrepresentation severely damages Litepanels’s credibility on this issue.

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the inventions not a limitation of the claims. (RIB at 24-26.) Respondents also note that there was no reliance on the preamble to distinguish prior art. (RIB at 27-28.) Respondents also argue that there is no disclosure about how to achieve “proper illumination” other than through color temperature of the light, which is already a limitation of the claims. (RIB at 28.) Moreover, Respondents contend that the body of the claim already sets out a complete invention. Thus, Respondents argue the preamble is not a limitation. (RIB at 28-33.)

Staff argues that the preambles are claim limitations. Staff submits that the asserted patents “singularly focus[] on lighting for film, television, and photography[]” and that “when the preamble is read in the context of the specification, the phrase ‘proper illumination’ is a claim limitation.” (SIB at 20.) Staff notes a number of places in the specification where it states that the invention is focused on film, television, and photography. (SIB at 20-22.) Staff disagrees with Respondents and argues that the prosecution history does demonstrate that the preamble is a claim limitation because the claims of the ’310 Patent do not include the disputed preamble limitation. (SRB at 1-2.) Staff argues that this change demonstrates an intention by the applicant to obtain claims that covered a different invention. (SRB at 2.) Staff also argues that the claims do not recite a complete invention relying on the testimony of Litepanels’s expert. (SRB at 2-3 (quoting Tr. 634:8-635:23).) Finally, Staff asserts that Respondents are incorrect that the preamble merely recites the intended purpose of the invention. (SRB at 3.) Staff argues that this contention ignores the text of the asserted patents and that the specification contains multiple references to suitable lighting and what is (or is not) appropriate lighting. (SRB at 3.) Thus, Staff argues that the preamble is a limitation of the claims.

The ALJ notes that “as a general rule preamble language is not treated as a limitation.” *Aspex Eyewear, Inc. v. Marchon Eyewear, Inc.*, 672 F.3d 1335, 1347 (Fed. Cir. 2012) (citing

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Allen Eng'g Corp. v. Bartell. Indus., Inc., 299 F.3d 1336, 1346 (Fed. Cir. 2002)). While the Federal Circuit has explained, that a preamble can be limiting when “it states a necessary and defining aspect of the invention,” *Computer Docking Station Corp. v. Dell, Inc.*, 519 F.3d 1366, 1375 (Fed. Cir. 2008), a preamble is not limiting “where a patentee defines a structurally complete invention and uses the preamble only to state a purpose or intended use for the invention,” *Rowe v. Dror*, 112 F.3d 473, 478 (Fed. Cir. 1997). The ALJ finds that Litepanels and Staff have identified nothing that overcomes the general presumption that the preamble is not a claim limitation. Instead, a review of the entirety of the patent, including the claim language, specification, and prosecution history suggests that the preambles merely state the purpose and intended use for the structurally complete invention.

Litepanels and Staff present the strongest argument in favor of overcoming this general presumption by arguing that the specification of the asserted patents are singularly focused on providing lighting for television, video and photography, and as, such “illumination” and “proper illumination” in the preambles of the asserted claims should be limiting. The specification indisputably focuses particularly on lighting applications for film, photography, and video. (JX-7 at 3:53-57 (“The invention is generally directed in one aspect to a novel lighting effects system and method as may be used, for example, in film and photography applications.”).) However, the preamble in this case differs from the cases where the Federal Circuit has found the preambles limiting because, unlike those cases, the preamble does not add any significant limitation not already found in the body of the claims.

For example, in *Corning Glass Works v. Sumitomo Electric U.S.A., Inc.*, 868 F.2d 1251 (Fed. Cir. 1989), the court found the term “optical waveguide” in the preamble limiting. The court explained that specification of the patent-in-suit “describe[ed] the physical attributes of an

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optical waveguide” and “set[] forth in detail the complex equation for the structural dimensions and refractive index differential necessary. . . .” *Id.* at 1256. The court found that “the . . . specification makes clear that the inventors were working on the particular problem of an effective optical communication system not on general improvements in conventional optical fibers.” *Id.* at 1257. The court found that in that in light of this the body of the claims did not set out a complete invention and the particular structural relationship defined by the equations in the specification was required to be included as a limitation. *Id.* Thus, the claims failed to include the key limitations relating to optical waveguides in the body.

The failure to provide the defining limitation in the body claim underlies other cases finding the preamble limiting based on the essential characteristics of the invention. *See, e.g., Vizio, Inc. v. Int’l Trade Comm’n*, 605 F.3d 1330, 1340-41 (Fed. Cir. 2010) (finding “for decoding” in preamble limiting where the claims “would have little meaning without the intended objective of decoding”); *Poly-Am., L.P. v. GSE Lining Tech., Inc.*, 383 F.3d 1303, 1310 (Fed. Cir. 2004) (finding “blown film” in preamble limiting where “blown film” was “fundamental characteristic of the claimed invention” and not disclosed elsewhere); *Gen. Elec. Co. v. Nintendo Co.*, 179 F.3d 1350, 1361-62 (Fed. Cir. 1999) (finding preamble limiting where the “specification ma[de] clear that the inventors were working on the particular problem of displaying binary data on a raster display device and not general improvements on all display systems” and the binary limitation was not found elsewhere in the claim). In contrast, the claims here are not meaningless without finding the preamble limiting. This is further reflected in the claim language and prosecution history.

First, the claim language does not suggest that the applicants intended for the preamble to be limiting and discloses a complete device. None of the language in the preamble serves as an

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antecedent basis for the terms in the body of the claim. *See Catalina Mktg.*, 289 F.3d at 808 (“[D]ependence on a particular disputed preamble phrase for antecedent basis may limit claim scope because it indicates a reliance on both the preamble and claim body to define the claimed invention.”). Litepanels is a bit ambiguous as to exactly what “structural” limitation it asserts the preamble contains. It appears that the structural characteristics it claims that are disclosed in the preamble are a long list of light characteristics it asserts are required. (CIB at 41-42.) While Litepanels’s position of what structural element is missing from the body of the claims that the preambles provides is difficult to discern from their changing positions in their briefs that is discussed above, Litepanels’s expert, Mike Wood, did provide this explanation at the hearing:

Q. Okay. And you can see that the preamble of claim 1 refers to an apparatus for illuminating a subject. Do you see that?

A. I do, sir.

Q. Okay. And then in the body of claim 1, there is a recitation of three structural elements, a frame, semiconductor light elements, and a dimmer.

A. I see that, sir.

Q. Okay. Are those three structural elements sufficient to allow one to illuminate a subject?

A. No, we have to take in the limitation of the preamble, which is key to this patent. These -- it has to be for illuminating a subject for film, photography, or video, which means it has to have all the terms I defined in my definition of that; the right hue, color, and so on and so forth. With all that in mind, then, that tells me about those three structures you just mentioned. So a frame having a front -- a frame that is suitable, that provides light is suitable, a plurality of semiconductor light elements, that provide illumination that is suitable for lighting a subject with my definition of that, so those structural elements that you just mentioned with every one illuminated, if you will excuse the word, by the preamble and telling you what it is for, then you can build it.

Q. So as I understand it, the three structural elements recited in claim 1 of the '022 patent are sufficient to create an apparatus for illuminating a subject; is that correct?

A. With that long proviso I just made, I don't change my answer that it has to be -- each one has to be modified by the requirement that it is suitable for suitable illumination for illuminating a subject, then yes.

(Tr. 634:8-635:23.)

It is clear from this discussion that Litepanels is not contending that the body of the claim would result in an inoperative or incomplete device, but that based on the various disclaimers

they allege have been made in the specification that the claims must include additional structural limitations and that these alleged structural limitations modify the various elements in the body of the claim (e.g., the semiconductor light elements must have a certain kind of light). This is different from the cases discussed above where the key structural components of the invention are defined or claimed in the preamble. Moreover, the asserted claims already contain a number of limitations directed at limiting the claims to photography, film, and video applications. For example, claim 17 of the '823 Patent requires that frame be attachable to “a movable camera apparatus” and claim 1 of the '652 Patent requires that the semiconductor light elements “emit[] light within a color temperature range suitable for image capture.” Thus, the body of the claim already captures some of the requirements that Litepanels seeks to impose through the preamble and thus the preamble in this case merely describes a use of the invention. *See Catalina Mktg.*, 289 F.3d at 809 (“[P]reambles describing the use of an invention generally do not limit the claims because the patentability of apparatus or composition claims depends on the claimed structure, not on the use or purpose of that structure.”); *see also In re Gardiner*, 171 F.2d 313, 315-16 (CCPA 1948) (“It is trite to state the patentability of apparatus claims must be shown in the structure claimed and not merely upon a use, function, or result thereof.”).

Second, nothing in prosecution history supports finding the preamble limiting either. While Litepanels cites to a number of prosecution history disclaimer cases, it cites nowhere in the prosecution history where it relied on the preamble in distinguishing prior art. *See Catalina Mktg.*, 289 F.3d at 808 (“[C]lear reliance on the preamble during prosecution to distinguish the claimed invention from the prior art transforms the preamble into a claim limitation because such reliance indicates use of the preamble to define, in part, the claimed invention.”). Instead, Litepanels does a bit of hand waiving. It tries to collapse prosecution history disclaimer into

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specification disclaimer because most of its arguments, in fact, deal with distinctions that it allegedly drew between the prior art *in the specification*, not in the prosecution history. The best it can muster about the prosecution history is speculation about what the examiner might have thought given certain prior art references (Lys and Lebens) that were cited to the examiner, but never the subject of any rejection or explicit discussion in the prosecution history. However, the Federal Circuit has repeatedly instructed courts not to read disclaimers into the applicant's silence. *See Salazar v. Procter & Gamble Co.*, 414 F.3d 1342 (Fed. Cir. 2005) (“[A]n applicant's silence regarding statements made by the examiner during prosecution, without more, cannot amount to a ‘clear and unmistakable disavowal’ of claim scope.”); *see also 3M Innovative Props. Co. v. Avery Dennison Corp.*, 350 F.3d 1365, 1373-74 (Fed. Cir. 2003) (“Prosecution history ... cannot be used to limit the scope of a claim unless the applicant took a position before the PTO.” (quoting *Schwing GmbH v. Putzmeister Aktiengesellschaft*, 305 F.3d 1318, 1324-25 (Fed. Cir. 2002))). Moreover, even considering the statements in the specification they do not unambiguously rely on the language in the preamble to distinguish the prior art, so the ALJ declines to find them the type of clear disclaimer necessary to limit the claims.

The Staff also tries to muster inferences and speculation by pointing out that the preambles for the claims of the '310 Patent (the patent the asserted patents claim priority to) are different than preambles in the asserted claims of the asserted patents. Instead of “illumination” or “proper illumination,” the preambles for the '310 Patent claims discuss “wide-area lighting.” Staff speculates that this difference between the claims between the asserted patents and the '310 Patent shows that the applicants for the asserted patents intended to claim a different invention distinguished by the preambles. However, the claims of '310 Patent differ in other respects from the claims of the asserted patents, so it is unclear whether the applicants intended to distinguish

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the claims based on the preamble or the other differences between the bodies of the claims of these different patents.

Finally, even if the preamble was limiting, the constructions suggested by Litepanels cannot be correct. Litepanels requires that the illumination “permits the capture of a person’s face and eyes in a realistic, natural, aesthetically pleasing, emotive, and/or flattering manner by providing a desired hue, directivity, intensity, tone, warmth, evenness, and color temperature between tungsten (1000 K – 4200 K) and daylight (4200 K – 9500 K).” Some of these limitations are almost completely subjective (“realistic, natural, aesthetically pleasing, emotive, and/or flattering manner”). Others, such as the color temperature limitations, are found elsewhere in the claim. This laundry list of claim limitations pieced together from many different parts of the specification is a blatant attempt to read the preferred embodiments into the claims. It is “not enough that the only embodiments, or all of the embodiments, contain a particular limitation.” *Thorner v. Sony Computer Entm’t Am. LLC*, 669 F.3d 1362, 1366 (Fed. Cir. 2012). There are “two exceptions” to the general rule that the plain meaning of the claim controls: “1) when a patentee sets out a definition and acts as his own lexicographer, or 2) when the patentee disavows the full scope of a claim term either in the specification or during prosecution.” *Id.* Litepanels attempts to argue that disavowed claim scope in a number of ways to limit its claims. However, in order to disclaim subject matter from a patent, the disclaimer must be “clear and unmistakable.” *Epistar Corp. v. Int’l Trade Comm’n*, 566 F.3d 1321, 1335–36 (Fed. Cir. 2009) (“Disavowal requires ‘expressions of manifest exclusion or restriction, representing a clear disavowal of claim scope.’”) (internal citations omitted). The ALJ agrees with Staff that no such expressions of clear and manifest exclusion exist here. Indeed, the

specification indicates that if it is a claim limitation that “proper illumination” is not as narrowly limited as Litepanels contends.

First, the claim language itself does not support such a limiting construction. The preamble calls for “an illumination system suitable to provide proper illumination for lighting of a subject in film or video,” but contains no limitations with respect to specific requirements for “suitability.” If the patentee intended to require that the “illumination system” display certain requirements, such as a certain hue or color temperature, it could have included such limitations in the claim as applicants did elsewhere. By expressly not identifying specific requirements for “proper illumination,” the plain language of the preamble controls and the preamble should therefore only be subject to the limitations recited in the body of the claim.

Second, the specification does not support the highly restrictive construction put forward by Litepanels. Taking the first part of Litepanels’s construction, “said illumination permits the capture of a person’s face and eyes in a realistic, natural, aesthetically pleasing, emotive and/or flattering manner by providing a desired hue, directivity, intensity, tone, warmth, evenness” Litepanels relies heavily on discussion of desirable features of an ideal lighting system in the “Background of the Invention” to support this limitation. (CIB at 73-74.) But nothing in the asserted patents indicates that this reliance is justified. The specification merely describes these desires as examples. For instance, the “Background of the Invention” states that “[i]t *may be necessary to or desired* to obtain lighting that has a certain tone, warmth, or intensity.” (JX-7 at 1:24-28 (emphasis added).) This same section further states “[a]s *one example* illustrating the need for an improved lighting system, it can be quite challenging to provide proper illumination for the lighting of faces in television and film, especially where close-ups are required A substantial amount of effort has been expended in constructing lighting systems that have the

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proper directivity, intensity, tone, and other characteristics to result in “aesthetically pleasing ‘eye lights’” (*Id.* at 1:43-56 (emphasis added).) Thus, the asserted patents contemplate these particular desires as attributes its invention could or may have. There is nothing to suggest that each of these advantages is required.

The Background of the Invention also states that it “may be necessary or desired to have certain lighting effects, such as colorized lighting, strobed lighting, gradually brightening or dimming illumination, or different intensity illumination in different fields of view.” (*Id.* at 1:28-32.) But Litepanels declined to include this particular need or desire in its construction of the preamble, which the ALJ finds demonstrates an inconsistent application of its construction analysis. This is improper. A patentee cannot limit the claims based on selected examples in the specification, but ignore other examples. *See Praxair, Inc. v. ATMI, Inc.*, 543 F.3d 1306, 1325 (Fed. Cir. 2008) (“[I]t is generally not appropriate ‘to limit claim language to exclude particular devices because they do not serve a perceived ‘purpose’ of the invention.... An invention may possess a number of advantages or purposes, and there is no requirement that every claim directed to that invention be limited to encompass all of them.” (citing *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1370 (Fed. Cir. 2003).)

As to the second part of Litepanels’s construction, “color temperature between tungsten (1000k-4200k) and daylight (4200k-9500k),” this is also improper.

Litepanels is correct that the specification does in fact disparage the used of colored LED:

[v]irtually all still and motion picture film presently used in the industry is either tungsten or daylight balanced, such that various combinations of daylight and tungsten (including all one color) are well matched directly to the most commonly used film stocks. These features make various of the light apparatus described herein particularly well-suited for wide area still, video, and motion picture usage, especially as compared to RGB-based or other similar lighting apparatus.

(JX-7 at 16:11-19.) Also, the “Background of the Invention” states, as another example, that “combinations of red, green, and blue or other colors [of LEDs] creates an uneven lighting effect that would generally be unsuitable for most film, television, and photographic applications.” (*Id.* at 3:46-49.)

However, in various other places throughout the specification, the patentee states that different color LEDs can be used in the invention:

- The term “light-emitting diode” or “LED” refers to a particular class of semiconductor devices that emit visible light when electric current passes through them includes both traditional low power versions (operating in, e.g., the 20 mW range) as well as high output versions such as those operating in the range of 3 to 5 Watts, which is still substantially lower in wattage than a typical incandescent bulb, and so-called superluminescent LEDs. Many different chemistries and techniques are used in the construction of LEDs. Aluminum indium gallium phosphide and other similar materials have been used, for example, to make **warm colors such as red, orange, and amber**. A few other examples are: indium gallium nitride (InGaN) for blue, InGaN with a phosphor coating for white, and Indium gallium arsenide with Indium phosphide for **certain infrared colors**. A relatively recent LED composition uses Indium gallium nitride (InGaN) with a phosphor coating. It should be understood that the foregoing LED material compositions are mentioned not by way of limitation, but merely as examples. (*Id.* at 6: 39-57 (emphasis added)).
- Further description will now be provided concerning various preferred light elements as may be used in connection with one or more embodiments as disclosed herein. While generally discussed with reference to FIG. 3, the various light elements described below may be used in other embodiments as well. When embodied as LEDs, the low power lamps 305 typically will emit light at approximately 7400-7500K degrees when at full intensity, which is white light approximating daylight conditions. **However, LEDs of a different color, or one or more different colors in combination, may also be used.** (*Id.* at 13:60-14:3 (emphasis added).)
- Various embodiments of lighting apparatus as described herein **utilize different color lamp elements in order to achieve, for example, increased versatility or other benefits in a single lighting mechanism**. Among the various embodiments described herein are lamp apparatuses utilizing both daylight and tungsten lamp elements for providing illumination in a controllable ratio. Such apparatuses may find particular advantage in film-

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related applications where it can be important to match the color of lighting with a selected film type, such as daylight or tungsten. (*Id.* at 14:49-51 (emphasis added).)

- Alternatively, or in addition, lamp elements of other colorations may be utilized. It is known, for example, to use colored lamp elements such as red, green, and blue LEDs on a single lighting fixture. Selective combinations of red, green, and blue ("RGB") lamp elements can generally be used to generate virtually any desired color, at least in theory. Lighting systems that rely upon RGB lamp elements can potentially be used as primary illumination devices for an image capture system, but suffer from drawbacks. (*Id.* at 14:59-67.)

In addition, the Abstract of the Invention, for the '652 patent, states that LEDs of different colors may be used: "Different color lamp elements may be mounted on the same panel/frame, and, in particular, daylight and tungsten colored lamp elements may be mounted on the same panel/frame" (*See, e.g.,* JX-7, Abstract.) The fact that the patents contemplate the use of different color LEDs in the Abstract of the invention conflicts with Litepanels's position that the patents expressly exclude red, blue, and green LEDs.

This is consistent with precedent. The Federal Circuit has held that although a patent may disparage the prior art, such statements do not necessarily operate as a disclaimer. "In general, statements about the difficulties and failures in the prior art, without more, do not act to disclaim claim scope." *Retractable Technologies, Inc. v. Becton, Dickinson and Co.*, 653 F.3d 1296, 1306 (Fed. Cir. 2011). Absent such a clear disclaimer of particular subject matter, the fact that the patentee may have anticipated that the invention would be used in a particular way does not mean that the scope of the patent should also be limited. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 908 (Fed. Cir. 2004). In this case, the something "more" is not present. There is nothing to support Litepanels's litigation-inspired construction.

Finally, the ALJ finds that 35 U.S.C. § 112, ¶ 4 also cuts against Respondents' construction of the preamble for the '823 Patent. Dependent claim 5 further limits claim 1 as

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follows: “wherein said semiconductor light elements emit light at a color temperature range suitable for image capture.” (JX-7 at 31:26-28.) Thus, the sole distinction between claim 1 and claim 5 is the requirement that the “semiconductor light elements emit light at a color temperature range suitable for image capture.”

Litepanels’s construction of the preamble, however, also takes into account the types of light elements that can be used in the invention as it requires LEDs having “a color temperature between tungsten (1000k-4200k) and daylight (4200k-9500k).” When questioned about this portion of Litepanels’s construction, Litepanel’s expert, Mr. Wood, agreed that this range was “suitable for image capture.”

Q. Okay. So your construction [of the preamble] requires the color temperature to be between the range of tungsten and daylight; is that my understanding? Is that correct?

A. Either of those two ranges, yes, that's correct.

Q. And why did you select that particular range for your construction?

A. Those are the ranges that the patent discloses as -- in the specification, as being the color temperature ranges for tungsten and daylight.

Q. Is that range suitable for image capture, in your opinion?

A. It is, yes.

(Tr. 183:7-21.) Mr. Wood, however, then testified that his construction of the preamble did not merely limit the invention to a “color temperature range that’s suitable for image capture” but “further narrow[ed] it to those particular color temperature ranges [i.e. LEDs having “a color temperature between tungsten (1000k-4200k) and daylight (4200k-9500k)]” Id. 185:6-11. Thus, Mr. Wood’s construction of the preamble makes claim 1 narrower than dependent claim 5.

Litepanels’s proposed construction therefore is at odds with 35 U.S.C. § 112, ¶ 4, which states that: “a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.” Because claim 5 must be

narrower than claim 1, Litepanels’s proposed construction is simply not supported by the intrinsic evidence.

In sum, the ALJ finds that the preamble is not a claim limitation and that, in any event, Litepanels’s construction cannot be correct. However, even assuming that the preamble is a claim limitation, it should only be given the plain and ordinary meaning as suggested by Staff.

2. “Focusing element” (the ‘652 Patent)

Litepanel’s Proposed Construction	Respondents’ Proposed Construction	Staff’s Proposed Constructions
An optical component which alters the focus or direction of emitted light	No proposed construction	An optical component which alters the focus or direction of emitted light

Litepanels argues that “focusing element” means “an optical component which alters the focus or direction of emitted light.” (CIB at 45.) Litepanels argues that the claim language and specification support such a construction. (*Id.*) Staff agrees. (SIB at 70-72.)

Respondents do not provide a proposed construction and, instead, argue that the “focusing element” and the “semiconductor light elements” recited in the claims are “distinctly different components” and cannot both be found in a single structure. (RIB at 69-74.) Specifically, Respondents argue that the asserted claim requires three separate structural components that cannot be satisfied by only two structural components in the accused products and, in particular, the optic lens on the accused LED package cannot be the “focusing element” as asserted by Litepanels and Staff. (RIB at 69.) Respondents argue that Litepanels’s construction fails for three reasons, namely (1) the term “focusing element” is intended to have an effect upon “the light emitted” by the semiconductor elements and that since the lens is an integral part of the semiconductor light element, it “cannot, by definition, have an effect upon the light that has already been *emitted* by the LED because once the light escapes the LED, it can no

longer ‘adjust the focus and/or direction of the light’.” (RIB at 70)(emphasis in original); (2) Litepanels fails to understand the nature of the accused LED structure that is “disposed on [a] mounting surface,” which includes both the bi-metallic junction and the plastic cap that seals and protects the junction (RIB at 70-71); and (3) the angular refraction that results from the lenses in the accused products are predetermined by the LED manufacturer and have no functionality for “adjusting” the light emitted (RIB at 71).

The ALJ finds that “focusing element” means an optical component which alters the focus or direction of emitted light. The ALJ further finds that the “focusing element” need not be a separate structure from the “semiconductor light elements.”

First, there is no dispute that “focusing element” means an optical component which alters the focus or direction of emitted light. The ALJ finds that the claim language itself requires that the “focusing element” “adjust[] the focus and/or direction of the light emitted by said semiconductor light element.” (JX-4 at claim 1, *see also* 2 and 5.) Similarly, the specification supports such a construction in describing a lens that “direct[s] the light output from an LED in a forward (or other) direction.” (*Id.* at 25:16-19; 35-37; 27:9-34.) Thus, the ALJ finds that “focusing element” means an optical component which alters the focus or direction of emitted light.

The ALJ finds that neither the claims nor the specification support Respondents’ proposed limitation, *i.e.*, that the “focusing element” and the “semiconductor light elements” must be separate structures. There is nothing in the claim language that requires that the “focusing element” and the “semiconductor light elements” be separate structures. Rather, the claim language only requires that they be different *elements* – there is nothing in the claim language that requires that the “focusing element” be a separate *structure* as asserted by

Respondents. (See JX-04 at claims 1-5.) The claim language further describes a “focusing element” that may be comprised of various types of lenses or filters, but that claim language does not require that the lens or filter be a separate structure from the “semiconductor light element.” (JX-4 at claims 1-5.)

Moreover, the specification shows that the “focusing element” need not be a separate structure and, in fact, can be a lens on the semiconductor light element, *i.e.*, it can be a single structure. Specifically, Figures 37A, 37B, and 37C describe lenses that act as a “focusing element.”

FIG. 37A is a diagram of one embodiment of a lens cap 3702 for a single LED. The lens cap 3702 may act as a focusing lens to direct the light output from an LED in a forward (or other) direction. FIGS. 37B and 37C illustrate placement of the lens cap 3702 with respect to the surface mount LED 3600 of FIG. 36A.

(JX-4 at 24:16-21.) FIG. 37B depicts this embodiment below:

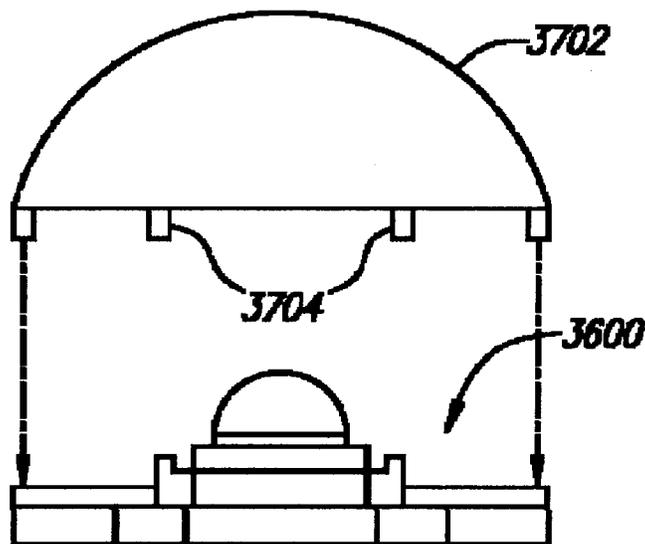


FIG. 37B

Thus, the specification explicitly depicts and describes an embodiment where a lens cap on a single LED acts as a “focusing element” in accordance with the claimed invention.

Furthermore, Respondents’ argument that the “focusing element” must be a separate and distinct structure from the “semiconductor lighting element” contradicts the law. The Federal Circuit held that a single component can be used to satisfy two different limitations in the same claim. *Intellectual Property Development, Inc. v. UA-Columbia Cablevision of Westchester, Inc.*, 336 F.3d 1308, 1320 n.9 (Fed. Cir. 2003) (emphasis added) (“Contrary to Cablevision's argument, we see no reason why, as a matter of law, one claim limitation may not be responsive to another merely because they are *located in the same physical structure.*”); *see also Powell v. Home Depot U.S.A., Inc.*, 663 F.3d 1221, 1231-32 (Fed. Cir. 2011) (finding that the specification did not require the two limitations to be separate and distinct).

Indeed, Respondents’ arguments appear to be based on the mistaken and unsupported assumption that, in the context of this patent, different elements are necessarily separate and distinct structures. Respondents fail to point to anything in the claims or specification to support such a reading. Rather, the bulk of Respondents’ arguments in support of this construction are based on Respondents’ own accused products. (*See* RIB at 70-74.) To the extent Respondents’ remaining arguments and support thereof are based on its own accused products, the ALJ will address those in his infringement analysis rather than in the context of claim construction.

Therefore, the ALJ finds that the “focusing element” and the “semiconductor light element” do not need to be distinct and separate structures and can, in fact, be found in a single structure as set forth in the specification.

V. INFRINGEMENT DETERMINATION

A. Applicable Law

In a Section 337 investigation, the complainant bears the burden of proving infringement of the asserted patent claims by a preponderance of the evidence. *Certain Flooring Products*, Inv. No. 337-TA-443, Commission Notice of Final Determination of No Violation of Section 337, 2002 WL 448690 at 59, (March 22, 2002); *Enercon GmbH v. Int'l Trade Comm'n*, 151 F.3d 1376 (Fed. Cir. 1998).

Each patent claim element or limitation is considered material and essential. *London v. Carson Pirie Scott & Co.*, 946 F.2d 1534, 1538 (Fed. Cir. 1991). Literal infringement of a claim occurs when every limitation recited in the claim appears in the accused device, *i.e.*, when the properly construed claim reads on the accused device exactly. *Amhil Enters., Ltd. v. Wawa, Inc.*, 81 F.3d 1554, 1562 (Fed. Cir. 1996); *Southwall Tech. v. Cardinal IG Co.*, 54 F.3d 1570, 1575 (Fed Cir. 1995).

If the accused product does not literally infringe the patent claim, infringement might be found under the doctrine of equivalents. The Supreme Court has described the essential inquiry of the doctrine of equivalents analysis in terms of whether the accused product or process contains elements identical or equivalent to each claimed element of the patented invention. *Warner-Jenkinson Co., Inc. v. Hilton Davis Chemical Co.*, 520 U.S. 17, 40 (1997).

Under the doctrine of equivalents, infringement may be found if the accused product or process performs substantially the same function in substantially the same way to obtain substantially the same result. *Valmont Indus., Inc. v. Reinke Mfg. Co.*, 983 F.2d 1039, 1043 (Fed. Cir. 1993). The doctrine of equivalents does not allow claim limitations to be ignored. Evidence must be presented on a limitation-by-limitation basis, and not for the invention as a whole.

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Warner-Jenkinson, 520 U.S. at 29; *Hughes Aircraft Co. v. U.S.*, 86 F.3d 1566 (Fed. Cir. 1996). Thus, if an element is missing or not satisfied, infringement cannot be found under the doctrine of equivalents as a matter of law. See, e.g., *Wright Medical*, 122 F.3d 1440, 1444 (Fed. Cir. 1997); *Dolly, Inc. v. Spalding & Evenflo Cos., Inc.*, 16 F.3d 394, 398 (Fed. Cir. 1994); *London v. Carson Pirie Scott & Co.*, 946 F.2d 1534, 1538-39 (Fed. Cir. 1991); *Becton Dickinson and Co. v. C.R. Bard, Inc.*, 922 F.2d 792, 798 (Fed. Cir. 1990).

The concept of equivalency cannot embrace a structure that is specifically excluded from the scope of the claims. *Athletic Alternatives v. Prince Mfg., Inc.*, 73 F.3d 1573, 1581 (Fed. Cir. 1996). In applying the doctrine of equivalents, the Commission must be informed by the fundamental principle that a patent's claims define the limits of its protection. See *Charles Greiner & Co. v. Mari-Med. Mfg., Inc.*, 92 F.2d 1031, 1036 (Fed. Cir. 1992). As the Supreme Court has affirmed:

Each element contained in a patent claim is deemed material to defining the scope of the patented invention, and thus the doctrine of equivalents must be applied to individual elements of the claim, not to the invention as a whole. It is important to ensure that the application of the doctrine, even as to an individual element, is not allowed such broad play as to effectively eliminate that element in its entirety.

Warner-Jenkinson, 520 U.S. at 29.

Prosecution history estoppel may bar the patentee from asserting equivalents if the scope of the claims has been narrowed by amendment during prosecution. A narrowing amendment may occur when either a preexisting claim limitation is narrowed by amendment, or a new claim limitation is added by amendment. These decisions make no distinction between the narrowing of a preexisting limitation and the addition of a new limitation. Either amendment will give rise to a presumptive estoppel if made for a reason related to patentability. *Honeywell Int'l Inc. v. Hamilton Sundstrand Corp.*, 370 F.3d 1131, 1139-41 (Fed. Cir. 2004), *cert. denied*, 545 U.S.

1127 (2005)(citing *Warner-Jenkinson*, 520 U.S. at 22, 33-34; and *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 733-34, 741 (2002)). The presumption of estoppel may be rebutted if the patentee can demonstrate that: (1) the alleged equivalent would have been unforeseeable at the time the narrowing amendment was made; (2) the rationale underlying the narrowing amendment bore no more than a tangential relation to the equivalent at issue; or (3) there was some other reason suggesting that the patentee could not reasonably have been expected to have described the alleged equivalent. *Honeywell*, 370 F.3d at 1140 (citing, *inter alia*, *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 344 F.3d 1359 (Fed. Cir. 2003)(*en banc*)). “Generalized testimony as to the overall similarity between the claims and the accused infringer’s product or process will not suffice [to prove infringement under the doctrine of equivalents].” *Tex. Instruments, Inc. v. Cypress Semiconductor Corp.*, 90 F.3d 1558, 1567 (Fed. Cir. 1996).

To prove direct infringement, Litepanels must prove by a preponderance of the evidence that the accused products either literally infringe or infringe under the doctrine of equivalents the method of asserted claims of the ’652, ’823 and the ’022 Patents. *Advanced Cardiovascular Sys., Inc. v. Scimed Life Sys., Inc.*, 261 F.3d 1329, 1336 (Fed. Cir. 2001). Notably, method claims are only infringed when the claimed process is performed. *Ormco Corp. v. Align Technology, Inc.*, 463 F.3d 1299, 1311 (Fed. Cir. 2006).

B. The ’823 Patent

Litepanels argues that the products set forth above in Section I.D.1 infringe the listed asserted claims of the ’823 Patent. (CIB at 112.) Staff agrees. (SIB at 33-40.) Litepanels’s infringement arguments are based on an analysis of representative accused products. (CIB at

112-3.) Respondents do not dispute that the enumerated products analyzed by Litepanels are representative of the other accused products. (*See generally* RIB; *see also* Section I.D.1.)

1. “An illumination system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a lightweight, portable frame having a panel including a mounting surface” (claim 17)

The evidence shows that each and every accused product identified in Section I.D.1 infringes this element of Claim 17. (CX-1971C at Q&A 1524-26, 1559-61, 1637-39, 1667-79.) As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1.)

The accused products include a lightweight portable frame made up of a rigid casing that surrounds and protects the internal elements of the device and has a panel, which includes a circuit board as a mounting surface. (CX-1971C at Q&A 1524-26, 1559-61, 1637-39, 1667-79.)

Respondents do not dispute that their accused products meet this claim limitation. (RIB at 64-68; RRB at 65-74.)

2. “a plurality of semiconductor light elements disposed on said mounting surface” (claim 17)

The evidence shows that each and every accused product identified in Section I.D.1 infringes this element of claim 17 of the '823 Patent (CX-1971C at Q&A 1527-31, 1563-66, 1640-44, 1680-84.) Each of the accused products has a plurality of semiconductor light elements disposed on its mounting surface. (*Id.*)

Respondents do not dispute that their accused products meet this claim limitation. (RIB at 64-68; RRB at 65-74.)

3. “an integrated power source contained within or secured to said portable frame” (claim 17)

The evidence shows that each and every accused product identified in Section I.D.1 infringes this element of claim 17. (CX-1971C at Q&A 1532-38, 1567-71, 1645-51, 1685-89.)

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The evidence shows that each accused product has an integrated power source in the form of a self-contained battery unit which is secured to the portable frame (CX-1971C at Q&A 1532-35; 1645-48; 1685-89) or an integrated power source in the form of batteries which are contained within portable frame (CX-1971C at Q&A 1532-37; 1567-71; 1645, 1649-50).

Respondents do not dispute that their accused products meet this claim limitation. (RIB at 64-68; RRB at 65-74.)

Staff argues that only the Fotodiox LED120A and the Ikan iLED120 meet this claim limitation because these are the only two products that have a power source, *i.e.*, a battery, that is incorporated within or attached to the portable frame, while the other accused products require a separately purchased battery or the battery is included in the kit, but not attached to the device. (SIB at 35.) In essence, Staff seeks to add an additional limitation, namely that the battery must be inserted into the battery housing to meet the claim limitation. The ALJ declines to read such a limitation into the claim. The ALJ finds nothing in the specification to support such a reading. Rather, the specification states:

Other alternative means for providing electrical power, such as a battery located in an *integrated battery housing*, may also be used.

(JX-7 at 30:44-46) (emphasis added). Thus, the “integrated power source” is the battery housing that is incorporated within or attached to the portable frame. There is no other power source for the lighting system. Therefore, regardless of whether a battery is actually contained in the battery housing, the “integrated power source” is the battery housing that is incorporated within or attached to the portable frame. The evidence shows that the accused products infringe this claim limitation because they have integrated battery housing, regardless of whether the batteries are actually contained within the battery housing. (CX-1971C at Q&A 1532-37; 1567-71; 1645-50; 1685-89.)

4. **“wherein said portable frame is adapted for being securably [sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” (claim 17)**

Respondents argue that they do not infringe claim 17 because the accused products fail to meet this claim limitation. (RIB at 64-68.) Specifically, Respondents argue that their accused products includes an adaptation to the frame or housing for securable attaching them to a fixed stand that is separate and independent from any camera. (RIB at 65, 67.) The Fotodiox Respondents further argue that their accused products are too heavy and large to be securable attached to a moveable camera apparatus. (RIB at 65.) However, certain of Respondents arguments are directed to products not accused of infringing this patent, *i.e.*, Fotodiox LED 1000, LED1000A, LED500A, LED500AV and LED1000ASV and Prompter MicroBeam 1024 and 512, and, as such, those arguments are moot. (RIB at 64-68; *see also* Section I.D.1.)

The evidence shows that accused products identified in Section I.D.1 infringe this element of claim 17. (CX-1971C at Q&A 1539-42, 1572-75, 1652-55, 1690-93.) The representative devices can be attached to a video or still camera via the camera’s hot shoe mount in a manner that is secure, but may still be readily disengaged. (*Id.*) The evidence further shows that a hot shoe is a mounting point on the LED panel for the purpose of attaching the panel to a camera apparatus. (Tr. at 193:6-18.) Furthermore, Prompter People Respondents’ own advertisements show some of the accused devices mounted on cameras. (CX-366.) Furthermore, the specification in the ’823 Patent describes identical attachment arrangements in the specification. (*See JX-7 at 9:52-13:59.*) Thus, based on the above, the evidence shows that the Accused Products identified in Section I.D.1 infringe claim 17 of the ’823 patent.

5. “The illumination system of claim 17, further comprising a control input for selectively controlling an illumination level of said semiconductor light elements” (claim 19)

The evidence shows that each and every accused product identified in Section I.D.1 infringes Claim 19. (CX-1971C at Q&A 1543, 1576, 1656, 1964.) The evidence shows that the accused products each has an analog controller on its frame that the user can use to selectively control the illumination level of the semiconductor light elements. (CX-1971C at Q&A 1544-46, 1577-79, 1657-59, 1695-97.)

Respondents do not dispute that their accused products meet this claim limitation. (RIB at 64-68; RRB at 65-74.) Staff argues that certain of the accused products do not meet this claim limitation because they do not meet the “integrated power source” limitation of claim 17. However, as set forth *supra*, the ALJ found that the batteries did not need to be attached to the portable frames in order to satisfy the claim limitation. Therefore, the accused products met each and every limitation of claim 17 and, further, the evidence shows that they meet the claim limitation of claim 19.

6. “The illumination system of claim 17, wherein said panel is substantially flat and rectangular” (claim 28)

The evidence shows that each and every accused product identified in Section I.D.1 satisfies of Claim 28 of the '823 Patent. (CX-1971C at Q&A 1547, 1580, 1660, 1698.) The evidence showed that the respective panels of the accused products are each substantially flat and rectangular. (CX-1971C at Q& A 1548-50, 1581-83, 1661-63, 1698-1701.)

Respondents do not dispute that their accused products meet this claim limitation. (RIB at 64-68; RRB at 65-74.) Staff argues that certain of the accused products do not meet this claim limitation because they do not meet the “integrated power source” limitation of claim 17. However, as set forth *supra*, the ALJ found that the batteries did not need to be attached to the

portable frames in order to satisfy the claim limitation. Therefore, the accused products meet each and every limitation of claim 17 and, further, the evidence shows that they meet the claim limitation of claim 19.

C. The '652 Patent

Litepanels argues that the products set forth above in Section I.D.1 infringe the listed asserted claims of the '652 Patent. (CIB at 48-49.) Staff agrees. (SIB at 72-83.) Litepanels's infringement arguments are based on an analysis of representative accused products. (CIB at 49.) Respondents do not dispute that the enumerated products analyzed by Litepanels are representative of the other accused products. (*See generally* RIB; *see also* Section I.D.1.)

1. "A lighting system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a portable frame having a panel including a mounting surface;" (claim 1)

The evidence shows that each and every accused product listed in Section I.D.1 infringes this element of Claim 1 of the '652 Patent. (CX-1971C at Q&A 741-744, 803-805, 849-851, 1018-1022, 1080-1084, 1129-1133, 1189-1191.) As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1..)

The accused products each comprise a portable frame having a panel including a mounting surface. (CX-1971C at Q&A 741-744, 803-805, 849-851, 1018-1022, 1080-1084, 1129-1133, 1189-1191.) The evidence shows that the accused products have a lightweight frame made up of a rigid casing that surrounds and protects the internal elements of the device and that this frame has a panel which in turn includes a circuit board as a mounting surface. (*Id.*)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

2. “a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range;” (claim 1)

The evidence shows that each and every accused product listed in Section I.D.1 infringes this element of Claim 1 of the ‘652 Patent. (CX-1971C at Q&A 745-749, 806-810, 852-855, 1023-1027, 1085-1089, 1134-1138, 1192-1195; CX-2085C at Q&A 20, 26.) The LEDs of the accused products are disposed on the mounting surface and at least one of those LEDs emits light in a daylight color temperature range that is suitable for image capture, emits light in a tungsten color temperature range that is suitable for image capture; or emits light in either a daylight or tungsten color temperature range. (*Id.*)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

3. “and a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements” (claim 1)

Respondents argue that the accused products listed in Section I.D.1 do not infringe the ‘652 Patent because it does not satisfy the “focusing element” and “semiconductor light elements”. (RIB at 69.) Specifically, Respondents argue that the “built-in lens molded into the LED body” in its accused products fail to satisfy the claim limitations of a “focusing element” and the “semiconductor light element” because the “built-in lens molded into the LED body” is part of the “semiconductor light element” and, as such, that lens cannot focus the light emitted from the “semiconductor light element.” (RIB at 72-73.) In other words, the “built-in lens” on the accused products cannot be the “focusing element” because it is not a separate structure from the “semiconductor light element” and does not have an effect upon the light emitted by the semiconductor light element since it is a part of the semiconductor light element. (RIB at 70-73.)

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As set forth *supra* in Section IV.C.2, the ALJ found that “focusing element” means an optical component which alters the focus or direction of emitted light and that the “focusing element” need not be a separate structure from the “semiconductor light elements.” (*See supra* at Section IV.C.2.) The ALJ further found that the “focusing element” need not be a separate and distinct structure from the “semiconductor light element.” (*Id.*) The evidence shows that the accused products each have a focusing element, *e.g.* an integrated lens, that adjusts the focus and/or direction of the light emitted by the semiconductor light element, *e.g.* the LED package on the mounting surface. (CX-1971C at Q&A 750-4; 811-5; 856-60; 1028-32; 1090-4; 1139-43; 1196-1200.)

As for Respondents’ arguments, the ALJ finds that they fail for the following reasons. Respondents’ argument that the lens cannot have an effect on the light emitted by the LED because it is an integral part of the semiconductor element is essentially a rehashing of their argument that the “focusing element” must be a separate and distinct structure from the semiconductor element. As set forth *supra* in Section IV.C.2, the ALJ found that the claims and specification failed to support such a requirement. Respondents’ arguments relating to Litepanels’s failure to understand the nature of the accused LED structure is also a rehashing of the separate structure argument. As set forth above, the evidence shows that the accused products have a focusing element, *e.g.* an integrated lens, that adjusts the focus and/or direction of the light emitted by the semiconductor light element, *e.g.* the LED package on the mounting surface. The fact that the lens is integrated into the semiconductor light element does not mean that it does not also serve as a focusing element.

Finally, as for Respondents’ argument that the LED manufacturer predetermines the angular refraction in the integrated lens such that it cannot “adjust” the light emitted, the ALJ

finds that the arguments also fails. The ALJ construed “focusing element” to mean an optical component which alters the focus or direction of emitted light. The evidence shows that integrated lens alters the focus or the direction of the emitted light. (CX-1971C at Q&A 750-4; 811-5; 856-60; 1028-32; 1090-4; 1139-43; 1196-1200.)

4. “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand”(claim 1)

The evidence shows that each and every Accused Product listed in Section I.D.1 infringes this element of Claim 1. (CX-1971C at Q&A 755-759, 816-820, 861-865, 1033-1037, 1095-1099, 1144-1147, 1201-1205.) The accused products are devices that can be attached to a stand in a manner that is non-permanent and may be easily detached via an industry standard connector on the frame. (*Id.*)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

5. “The lighting system of claim 1, wherein said focusing element comprises a lens or filter.” (claim 2)

The evidence showed that the accused products listed in Section I.D.1 practice all elements of Claim 2. (CX-1971C at Q&A 760, 866, 1038, 1100, 1148, 1206.) The focusing element of each LED of the accused products is comprised of a lens or filter. (CX-1971C at Q&A 761-764, 823-825, 867-870, 1039-1042, 1101-1104, 1149- 1152, 1207-1210.) The focusing element of each LED of the exemplary devices is a primary optic lens included as a component within the body of the LED package. (*Id.*) As set forth *supra*, Respondents arguments to the contrary fail in light of the ALJ’s claim construction.

6. “The lighting system of claim 1, wherein said focusing element increases the directivity of light emitted by said semiconductor light elements” (claim 5)

The evidence shows that the accused products listed in Section I.D.1 each practice all elements of Claim 5. (CX-1971C at Q&A 765, 871,1043, 1105, 1153, 1211.) The focusing element of each LED in the accused products increases the directivity of the light emitted by said semiconductor light elements. (CX-1971C at Q&A 766-769, 827-830, 873-875, 1044-1047, 1106-1109, 1154-1157, 1212-1215.) The focusing element of each LED of the accused products increases the directivity of the light emitted by each semiconductor light element by focusing that light to a set angle. (*Id.*)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

7. “The lighting system of claim 1, wherein said color temperature range includes approximately 5500-7500 degrees Kelvin” (claim 16)

The evidence shows that the accused products listed in Section I.D.1 practice all elements of Claim 16. (CX-1971C at Q&A 770, 876, 1048, 1158.) The LEDs of the accused products emit light within a color temperature range which includes approximately 5500-7500 degrees Kelvin. (CX-1971C at Q&A 771-774, 877-880, 1049-1052, 1159-1162; CX-2085C at Q&A 21.) Specifically, the evidence shows that the LEDs of the Ikan iLED155, Stellar 96D, FotodioX LED312A, FloLight Microbeam 256 60° Daylight, and CoolLights CLLED256 Daylight Panel emit light at a color temperature of 5440 K, 7049 K, 5535 K, 6806 K, and 5235 K respectively, each of which is within the color temperature range of approximately 5500-7500 K. (*Id.*)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

8. “The lighting system of claim 1, wherein all of said semiconductor light elements emit light at substantially the same color temperature.” (claim 18)

The evidence shows that the accused products listed in Section I.D.1 each practice all elements of Claim 18. (CX-1971C at Q&A 775, 1053, 1163, 1216.) All of the semiconductor light elements of the Ikan iLED155, Ikan iLED312, Stellar 96D, Fotodiox LED312A, Fotodiox LED312AS, FloLight Microbeam 256 60° Daylight, FloLight Microbeam 256 60° Tungsten, CoolLights CL-LED256 Daylight Panel, CoolLights CL-LED256 Tungsten Panel and CoolLights CL-LED1200 BiColor Flood Panel emit light at substantially the same color temperature. (CX-1971C at Q&A 776-779, 883-885, 1054-1057, 1164-1167, 1217-1220; CX-085 at Q&A 22, 27.)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

9. “The lighting system of claim 1, wherein substantially all of said semiconductor light elements emit light at a similar color temperature” (claim 19)

The evidence shows that the accused products listed in Section I.D.1 each practice all elements of Claim 19 of the ‘652 patent. (CX-1971C at Q&A 780, 886, 1058, 1168, 1221.) All of the semiconductor light elements of the accused products emit light at a similar color temperature. (CX-1971C at Q&A 781-784, 887-890, 1059-1062, 1169-1170, 1222-1224; CX-2085C at Q&A 23, 28.)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

10. “The lighting system of claim 1, wherein said panel comprises a circuit board, and wherein said semiconductor light elements are mounted thereto.” (claim 25)

The evidence shows that the accused products listed in Section I.D.1 each practice all elements of Claim 25. (CX-1971C at Q&A 785, 831, 891, 1063, 1110, 1172, 1225.) The evidence shows that, for each of the accused products, the panel of each device is comprised of a circuit board to which the semiconductor light elements are mounted. (CX-1971C at Q&A 786-789, 832-834, 892-894, 1064-1066, 1111-1113, 1173-1175, 1226-1228.)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

11. “The lighting system of claim 1, wherein said semiconductor light elements provide a continuous source of illumination.” (claim 27)

The evidence shows that the accused products in Section I.D.1 each practice all elements of Claim 27. (CX-1971C at Q&A 790, 895, 1067, 1114, 1176, 1229.) The semiconductor light elements of the accused products provide a continuous source of illumination by providing illumination that appears uninterrupted in time both to an observers eyes and when captured by a film or video camera. (CX-1971C at Q&A 791-794, 836-839, 896-899, 1068-1071, 1115-1120, 1177-1180, 1230-1233.)

Respondents do not dispute that the accused products meet this claim limitation. (RIB at 99-104; RRB at 39.)

D. The '022 Patent

Respondents do not dispute that the accused products set forth in Section I.D.1 infringe the asserted claims of the '022 Patent. (RIB at 126; RRB at 53-65.) Similarly, Staff does not dispute that the accused products infringe the asserted claims of the '022 Patent. (SIB at 98-100.)

1. “An apparatus for illuminating a subject for film, photography or video, the apparatus comprising: a frame having a front” (claim 1)

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As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1.)

The evidence shows that each and every accused product listed in Section I.D.1 infringes this element (“a frame having a front”) of Claim 1 of the ‘022 Patent. (CX-1971C at Q&A 1267-1270, 1293-1296, 3122-1324, 1395-1397, 1416-1418, 1444-1446, 1462-1464.) The accused products each comprise a frame made up of a rigid casing that surrounds and protects the internal elements of the device, and that this frame has a front. (*Id.*)

2. “a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range” (claim 1)

The evidence shows that each and every accused product listed in Section I.D.1 infringes this element of Claim 1.(CX-1971C at Q&A 1271-1275, 1297-1300, 1325-1328, 1398-1401, 1419-1422, 1447-1450, 1465-1468; CX- 2085C at Q&A 36.) The each have LEDs that are disposed on the front of the frame and at least one of those LEDs emits light in a daylight color temperature range which is suitable for image capture; emits light in a tungsten color temperature range which is suitable for image capture; or emits light in either a daylight or tungsten color temperature range, either of which is suitable for image capture. (*Id.*) The semiconductor light elements of each of the representative devices are configured to provide a continuous source of illumination, that is, they provide illumination which appears uninterrupted in time both when viewed directly and when captured by a film or video camera. (*Id.*)

3. “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted” (claim 1)

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The evidence shows that each and every accused product in Section I.D.1 infringes this element of Claim 1 of the '022 Patent. (CX-1971C at Q&A 1276-1279, 1301-1303, 1329-1332, 1402-1404, 1423-1425, 1435, 1451-1453, 1469-1471; CX-2085C at Q&A 33.) The accused products each includes an analog controller on its frame that the user can use to adjust the illumination level of the device's semiconductor light elements. (*Id.*)

4. “wherein said frame is adapted for being mounted to and readily disengaged from a stand” (claim 1)

The evidence shows that each and every accused product listed in Section I.D.1 infringes this element of Claim 1. (CX-1971C at Q&A 1280-1284, 1304-1307, 1333-1336, 1405-1408, 1426-1429, 1454-1457, 1472-1475.) Each of the accused products can be attached to a stand in a manner that is non-permanent and may be easily detached via an industry standard connector on the frame. (*Id.*)

5. “The apparatus of claim 1, wherein a first plurality of said semiconductor light elements emit light in a first color temperature range suitable for image capture, and a second plurality of semiconductor light elements emit light in a second color temperature range suitable for image capture.” (claim 57)

The evidence shows that the accused products in Section I.D.1 each practice all elements of Claim 57 of the '022 patent. (CX-1971C at Q&A 1286,1410-1411.) The first plurality of LEDs on each representative product emit light in a daylight range color temperature range, and a second plurality of LEDs on each representative product emit light in a tungsten color temperature range. (CX-1971C at Q&A 1308-1309, 1430-1431.) Both color temperature ranges are suitable for image capture. (*Id.*)

6. “The apparatus of claim 57, wherein said first color temperature range comprises daylight color temperature, and wherein said second color temperature range comprises tungsten color temperature.” (claim 58)

The evidence shows that the accused products in Section I.D.1 each practice all elements of Claim 58 of the ‘022 patent. (CX-1971C at Q&A 1286, 1410-1411.) The first plurality of LEDs on each representative product emit light in a daylight range color temperature range, and a second plurality of LEDs on each representative product emit light in a tungsten color temperature range. (CX-1971C at Q&A 1310-1311, 1432-1433.)

7. “The apparatus of claim 57, wherein approximately half of said semiconductor light elements individually emit light over a daylight color spectrum and approximately half of said semiconductor light elements individually emit light over a tungsten color spectrum.” (claim 60)

The evidence shows that the accused products in Section I.D.1 each practice all elements of Claim 60 of the ‘022 patent. (CX-1971C at Q&A 1286, 1410-1411.) The evidence shows that half of LEDs of each accused product emit light with a correlated color temperature which is in the daylight range, and half of LEDs emit light with a correlated color temperature which is in the tungsten range.. (CX-1971C at Q&A 1312-1313, 1434-1435.)

Having made the foregoing findings on infringement, the ALJ finds that the disposition of this material issue satisfies Commission Rule 210.42(d). The ALJ’s failure to discuss any matter raised by the parties, or any portion of the record, does not indicate that it has not been considered. Rather, any such matter(s) or portion(s) of the record has/have been deemed immaterial.

VI. VALIDITY

A. Background

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One cannot be held liable for practicing an invalid patent claim. *See Pandrol USA, LP v. AirBoss Railway Prods., Inc.*, 320 F.3d 1354, 1365 (Fed. Cir. 2003). However, the claims of a patent are presumed to be valid. 35 U.S.C. § 282; *DMI Inc. v. Deere & Co.*, 802 F.2d 421 (Fed. Cir. 1986). Although a complainant has the burden of proving a violation of section 337, it can rely on this presumption of validity.

Respondents have the burden of proving invalidity of the patent. This “burden is constant and never changes and is to convince the court of invalidity by clear evidence.” *i4i v. Microsoft Corp.*, 131 S. Ct. 2338, 2243 (2010) (citing Judge Rich in *American Hoist & Derrick Co. v. Sowa & Sons, Inc.*, 725 F. 2d 1350, 1360 (CA Fed. 1984)). Respondents’ burden of persuasion *never shifts*. *Id.* The risk of “decisional uncertainty” remains on the respondent. *Technology Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1327 (Fed. Cir. 2008); *see also PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1303, 1305 (Fed. Cir. 2008); *Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1360 (Fed. Cir. 2007). Thus, it is respondent’s burden to prove by clear and convincing evidence that any of the alleged prior art references anticipate or render obvious the asserted claims of the patents in suit. Failure to do so means that respondents loses on this point. *Id.* (stating, “[I]f the fact trier of the issue is left uncertain, the party with the burden [of persuasion] loses.”).

Respondents also bear the burden of going forward with evidence, *i.e.*, the burden of production. *Id.* This is “a shifting burden the allocation of which depends on where in the process of a trial the issue arises.” *Id.* However, this burden does not shift until a respondent presents “evidence that might lead to a conclusion of invalidity.” *Pfizer*, 480 F.3d at 1360. Once a respondent “has presented a prima facie case of invalidity, the patentee has the burden of going forward with rebuttal evidence.” *Id.*

B. Priority Date

Litepanels contends that it is entitled to an invention date of March 1, 1999 based on what it claims is its date of conception for the inventions contained in the patents-in-suit. Staff submits that the patents-in-suit are entitled to the filing date of the '310 Patent – September 7, 2001. Staff does not necessary agree that Litepanels is entitled to the priority date of March 1, 1999, but believes it is unnecessary to resolve that question because none of the prior art references from after that date invalidate the asserted claims of the asserted patents. Respondents argue that the '022 Patent is not entitled to the filing date of the '310 Patent and that Litepanels has failed to show any diligence in reducing the claimed inventions to practice so it is not entitled to the March 1, 1999 date.

Typically, the priority date, or effective filing date, of a patent is the date of the filing of the first patent application. The right to claim priority is codified in 25 U.S.C. § 120, which states, in pertinent part:

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing data of the first application and if it contains or is amended to contain a specific reference to the earlier filed application

Thus, to claim benefit to an earlier patent application the patentee must satisfy the substantive requirements of 35 U.S.C. § 112 (*i.e.*, does the parent application “reasonably convey to the artisan that the inventor had possession at the time of the later claimed subject matter”) and the procedural requirements of 35 U.S.C. § 120. *See Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997) (“a prior application itself must describe an invention, and do

so in sufficient detail that one skilled in the art can clearly conclude that the inventor invented the claimed invention as of the filing date sought”) (citations omitted); *see also Amgen Inc. v. Hoechst Marion Rousell, Inc.*, 314 F.3d 1313, 1330 (Fed. Cir. 2003) (“Satisfaction of this requirement is measured by the understanding of the ordinarily skilled artisan.”) (citation omitted). A party challenging priority date must demonstrate by clear and convincing evidence that the parent application does not disclose the invention at issue as of the relevant filing date. *Certain Adjustable Keyboard Support Systems and Components Thereof*, Inv. No. 337-TA-670, Final Determination at p. 77 (November 2011).

Although there is a presumption that the date of invention for the patent at issue is the priority date, that presumption can be overcome by, for example, a showing that the date of conception of the patented invention took place at an earlier date. “Conception exists when a definite and permanent idea of an operative invention, including every feature of the subject matter sought to be patented, is known.” *Sewall v. Walters*, 21 F.3d 41, 1,415 (Fed. Cir. 1994). “The conception analysis necessarily turns on the ability of the inventor to describe his invention with particularity.” *Burroughs Wellcome Co. v. Barr Labs., Inc.*, 40 F.3d 1223, 1228 (Fed. Cir. 1994). “Conception is complete when one of ordinary skill in the art could construct the apparatus without unduly extensive research or experimentation.” *Id.* In addition, conception requires corroboration of the inventor’s testimony. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573, 1576 (Fed. Cir. 1997). The corroboration requirement is satisfied “preferably by showing a contemporaneous disclosure.” *Burroughs Wellcome Co.*, 40 F.3d at 1228.

When a party is the first to conceive but the last to reduce to practice – including constructive reduction to practice via filing a patent application – this party has the burden of

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establishing a *prima facie* case of reasonable diligence between the filing date of an earlier-filed party and its own reduction to practice by filing. *Atlantic Thermoplastics Co., Inc. v. Faytex Corp.*, 5 F.3d 1477, 1485 (Fed. Cir. 1993) (citing *Griffith v. Kanamaru*, 816 F.2d 624, 626 (Fed. Cir. 1987)). “[T]he evidence must show that the alleged earlier inventor was diligent throughout the entire critical period.” *Monsanto Co. v. Mycogen Plant Sci., Inc.*, 261 F.3d 1356, 1369 (Fed. Cir. 2001) (citations omitted). In determining the requisite diligence, “courts may consider the reasonable everyday problems and limitations encountered by an inventor.” *Kanamaru*, 816 F.2d at 626 (citations omitted). However, delays that are caused by the inventor’s commercial development of the invention, or by efforts to “refine an invention to the most marketable and profitable form” are not accepted by courts as reasonable excuses. *Id.* at 627.

The ALJ finds that Litepanels has sufficiently established that nearly all of the asserted claims are entitled to the filing date of the ’310 Patent. The ’823 Patent is a continuation-in-part of the ’310 Patent which was filed on September 7, 2001. (JX-7, col. 1, lines 5-9.) The evidence shows that the ’823 Patent was filed before the ’310 Patent issued and names two of the same inventors identified in the ’823 Patent. (JX-7; JX-10.) The evidence also shows that the ’652 Patent and ’022 Patent are continuations of the ’823 Patent, and names the same inventors as the ’823 Patent. (JX-0001; JX-0004.)

Moreover, the evidence shows that the inventions recited in the asserted claims find support in the ’310 Patent. In particular, Litepanel’s expert, Mr. Wood, testified that each of the claim elements in the asserted claims of the ’823 Patent can be found in the ’310 Patent. (CX-1971C, Q&A 281-282; CDX-31.) The evidence has shown that the asserted claims of the ’022 patent have a priority date of September 7, 2001, the filing date of the ’310 patent. (CX-1971C, Q&A 281.) The Respondents have offered no clear and convincing evidence to the contrary.

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The ALJ finds that the evidence shows that the '652 patent has two effective priority dates, September 7, 2001 for claims 1, 2, 5, 18, 19, 25, and 27 and September 9, 2002 for claim 16. The evidence shows that written description support exists in the parent '310 Patent for the former claims. (CX-1971C at Q&A 281.) The evidence does not establish; however, that such support exists for claim 16.

Claim 16 requires the LED lights of claim 1 to emit light at “a color temperature range of approximately 5500-7500 degrees Kelvin.” Although Mr. Wood cites to support in the '310 Patent as evidence to this disclosure, none of these citations reference the range in claim 16. *Id.* In fact, the '310 Patent does not disclose LED lights emitting in the tungsten color temperature range at all. The ALJ finds that the only color temperature range disclosed in the '310 Patent is 7400-7500 K, which is white light approximating daylight temperature. (JX-10 at 11:10-14.) While the '310 Patent discloses that “LEDs of a different color, or one or more colors can be used,” this generic disclosure does not provide sufficient support for the very specific range cited in claim 16. This disclosure of the specific range was not provided until the filing of the '823 Patent, (to which the '652 Patent also claims priority). Accordingly, the evidence shows that '652 Patent has two effective priority dates, September 7, 2001 for claims 1, 2, 5, 18, 19, 25, and 27 and September 9, 2002 for claim 16.

As for Litepanels's claim for priority to March 1, 1999, it fails because they have not proved they were diligent in reducing their invention to practice. The only disclosure in their brief regarding diligence is “Litepanels has further shown that the inventors diligently reduced their invention to practice.” This is simply insufficient. A party must do more than string cite their evidence of diligence, particularly for the period after the reference they are attempting to swear behind was filed or published. Litepanels has failed to establish it was diligent in reducing

its invention to practice. Accordingly, it is not entitled to its conception date and must rely on the effective filing dates found above.

C. Anticipation

A patent may be found invalid as anticipated under 35 U.S.C. § 102(a) if “the invention was known or used by others in this country, or patented or described in a printed publication in this country, or patented or described in a printed publication in a foreign country, before the invention thereof by the applicant for patent.” 35 U.S.C. § 102(a). A patent may be found invalid as anticipated under 35 U.S.C. § 102(b) if “the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.” 35 U.S.C. § 102(b). Under 35 U.S.C. § 102(e), a patent is invalid as anticipated if “the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent.” 35 U.S.C. § 102(e). Anticipation is a question of fact. *Texas Instruments, Inc. v. U.S. Int’l Trade Comm’n*, 988 F.2d 1165, 1177 (Fed. Cir. 1993) (“*Texas Instruments IP*”). Anticipation is a two-step inquiry: first, the claims of the asserted patent must be properly construed, and then the construed claims must be compared to the alleged prior art reference. *See, e.g., Medichem, S.A. v. Rolabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003). It is axiomatic that claims are construed the same way for both invalidity and infringement. *W.L. Gore v. Garlock, Inc.*, 842 F.2d 1275, 1279 (Fed. Cir. 2008.)

“Claimed subject matter is ‘anticipated’ when it is not new; that is, when it was previously known. Invalidation on this ground requires that *every element and limitation* of the claim was *previously described in a single prior art reference*, either *expressly or inherently*, so as to place a person of ordinary skill in possession of the invention.” *Sanofi-Synthelabo v.*

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Apotex, Inc., 550 F.3d 1075, 1082 (Fed. Cir. 2008) (emphasis added) (citing *Schering Corp. v. Geneva Pharms., Inc.*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) and *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1267-69 (Fed. Cir. 1991)).

To anticipate, a single prior art reference must be enabling and it must describe the claimed invention, *i.e.*, a person of ordinary skill in the field of the invention must be able to practice the subject matter of the patent based on the prior art reference without undue experimentation. *Sanofi*, 550 F.3d at 1082. The presence in said reference of *both* a specific description and enablement of the subject matter at issue are required. *Id.* at 1083.

To anticipate, a prior art reference also must disclose all elements of the claim within the four corners of said reference. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (“*NMP*”); *see also Abbott Labs. v. Sandoz, Inc.*, 544 F.3d 1341, 1345 (Fed. Cir. 2007) (stating, “Anticipation is established by documentary evidence, and requires that every claim element and limitation is set forth in a single prior art reference, in the same form and order as in the claim.”). Further, “[b]ecause the hallmark of anticipation is prior invention, the prior art reference--in order to anticipate under 35 U.S.C. § 102--must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Id.* (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). The Federal Circuit explained this requirement as follows:

The meaning of the expression ‘arranged as in the claim’ is readily understood in relation to claims drawn to things such as ingredients mixed in some claimed order. In such instances, a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate, because the reference would be missing any disclosure of the limitations of the claimed invention ‘arranged as in the claim.’ But the ‘arranged as in the claim’ requirement is not limited to such a narrow set of ‘order of limitations’ claims. Rather, *our precedent informs that the ‘arranged as in the claim’ requirement applies to all claims and refers to the need for an anticipatory reference to show all of the limitations of the claims*

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arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean ‘arranged or combined in the same way as in the claim.’

Id. at 1370 (emphasis added). Therefore, it is not enough for anticipation that a prior art reference simply contains all of the separate elements of the claimed invention. *Id.* at 1370-71 (stating that “it is not enough [for anticipation] that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.” (emphasis added)). Those elements must be arranged or combined in said reference in the same way as they are in the patent claim.

If a prior art reference does not expressly set forth a particular claim element, it still may anticipate the claim if the missing element is inherently disclosed by said reference. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002); *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherent anticipation occurs when “the missing descriptive material is ‘necessarily present,’ not merely probably or possibly present, in the prior art.” (*Id.*); *see also Rhino Assocs. v. Berg Mfg. & Sales Corp.*, 482 F. Supp.2d 537, 551 (M.D. Pa. 2007). In other words, inherency may not be established by probabilities or possibilities. *See Continental Can*, 948 F.2d at 1268. Thus, “[t]he mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Id.*

The critical question for inherent anticipation here is whether, as a matter of fact, practicing an alleged prior art reference necessarily features or results in each and every limitation of the asserted claim at issue. *See, e.g., Toro Co. v. Deere & Co.*, 355 F.3d 1313, 1320 (Fed. Cir. 2004).

If there are “slight differences” between separate elements disclosed in a prior art reference and the claimed invention, those differences “invoke the question of obviousness, not anticipation.” *NMI*, 545 F.3d at 1071; *see also Trintec*, 295 F.3d at 1296 (finding no anticipation and stating that “the difference between a printer and a photocopier may be minimal and obvious to those of skill in this art. Nevertheless, obviousness is not inherent anticipation.”). Statements such as “one of ordinary skill may, in reliance on the prior art, complete the work required for the invention,” and that “it is sufficient for an anticipation if the general aspects are the same and the differences in minor matters is only such as would suggest itself to one of ordinary skill in the art,” *actually relate to obviousness*, not anticipation. *Connell*, 722 F.2d at 1548; *see infra*.

1. The '823 Patent

a) Lys '626 Patent (RX-318)

Respondents assert that the asserted claims of the '823 Patent are invalid over the disclosure of U.S. Patent No. 6,211,626 to Lys et al (“the Lys '626 Patent”) (RX-318). The Lys '626 Patent was filed December 17, 1998 and issued April 3, 2001 and on its face claims priority back to a provisional application filed on December 17, 1997. The Lys '626 Patent is at least prior art under 35 U.S.C. § 102(a).

It is not entirely clear from Respondents' brief whether they contend that Lys anticipates the asserted claims.⁵ In any event, the ALJ finds that Lys does not anticipate the asserted claims of the '823 Patent. As an initial matter, the ALJ notes that the Lys '626 Patent was before the examiner during the prosecution of the '823 Patent (CX-2075C at Q&A 166), and so Respondents have a particularly heavy burden in establishing invalidity based on this reference.

⁵ As a best practice, anticipation and obviousness should be considered in separate sections of the brief. A party seeking to invalidate a patent must do so by clear and convincing evidence. Anything that confuses or obscures the party's case unavoidably makes it more likely that a party may miss something and thus fail to meet its burden.

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See Impax Labs., Inc. v. Aventis Pharm., Inc., 468 F.3d 1366, 1378 (Fed. Cir. 2006) (“When the prior art was before the examiner during prosecution of the application, there is a particularly heavy burden in establishing invalidity.”).

In particular, the ALJ finds that Respondents have failed to identify anywhere in the Lys '626 Patent where this reference discloses “an integrated power source contained within or secured to said portable frame.” (*See* RIB at 35.) Instead, they appear to rely on a combination of other references to satisfy this element. (*See id.*) Moreover, Litepanels presented evidence that this element is not found in the Lys '626 Patent. (*See* CX-2075C at Q&A 174.) This element is found in all of the asserted claims of the '823 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the '823 Patent because the Lys '626 Patent does not disclose at least this one element of the asserted claims. *See Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010) (“Anticipation requires the presence in a single prior art disclosure of all of the elements of a claimed invention arranged as in the claim.”).

In addition, the ALJ finds that Respondents have not shown that the Lys '626 Patent teaches the claim requirement “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a stand.” Respondents rely on Figures 45 and 46 as evidence of such teaching. However, as Staff correctly notes, these figures disclose lighting devices fixed permanently to billboards. (RX-318 at 35:36-55.) As Litepanels’s expert testified, easy disengagement is not contemplated in such situations. (*See* CX-2075C at Q&A 175.) Accordingly, Respondents have failed to prove by clear and convincing evidence that the Lys '626 Patent anticipates the asserted claims of the '823 Patent for this additional reason.

b) Kishimoto '128 Patent

Respondents assert that the asserted claims of the '823 Patent are invalid over the disclosure of U.S. Patent No. 5,895,128 to Kishimoto et al. (“the Kishimoto '128 Patent”) (RX-339). The Kishimoto '128 Patent was filed January 20, 1998 and issued April 20, 1999. The Kishimoto '128 Patent claims priority to a Japanese patent application (H09-08985) filed January 21, 1997. The Kishimoto '128 Patent is at least prior art under 35 U.S.C. § 102(b).

The Staff agrees with Respondents that Kishimoto discloses each and every limitation recited in claim 17 and 28.

Kishimoto discloses an electronic flash unit that attaches to a camera. (RX-339, Abstract.) The Kishimoto device has a primary emission unit for emitting flash light for illuminating an object and an auxiliary emission unit for emitting light having a different color temperature from the flash light. (RX-339, Abstract.) The auxiliary emission unit comprises LEDs. (*Id.* at 3:11-17.) The evidence shows, and Litepanels’s expert admits, that both the emitting flash light and auxiliary emission unit comprising LEDs provide illumination.⁶ (Tr. 796:7-15.)

(1) Claim 17

The only disputed limitation for this claim is the preamble – “an illumination system suitable to provide proper illumination for lighting of a subject in film or video.” (CIB at 121; CRB at 35-36.) The ALJ has found that the preamble is not a limitation. Accordingly, there is

⁶ Litepanels contends that the Kishimoto '128 Patent is not properly before the ALJ because Dr. Scholl the non-settling Respondents’ expert never testified on this reference. However, the ALJ finds that it was properly included in the pre-hearing briefs, Litepanels’s expert did offer testimony in his witness statement about this reference, and there is no serious dispute that it meets all of the limitations in the claim except for the preamble. Moreover, Staff has independently offered it as a reference and cross examined Mr. Wood on this reference. Accordingly, the ALJ finds that it is properly before the ALJ.

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no dispute between the parties (if the preamble is not a limitation) that Kishimoto teaches the remaining limitations of claim 17. A limitation-by-limitation analysis is included below.

(a) An illumination system suitable to provide proper illumination for lighting of a subject in film or video, comprising:

The Kishimoto '128 patent discloses a camera. The camera comprises: (1) an electronic flash which emits flash of light for illuminating an object for photography; (2) an auxiliary LED-based illumination unit which emits light having a different color temperature from the flash light emitted by the electronic flash to the object; and (3) a controller which controls the emission of the auxiliary emission unit when the electronic flash emits flash light to adjust the color temperature of illumination light emitted toward the object. (RX-339 at 1: 52-59.)

The amount of color temperature correction can be directly inputted as numeral value data which a photographer feels is required to achieve a desired effect. (RX-339 at 5: 10-19.) Alternatively, a color temperature correction switch may be provided having a color scale which enables a photographer to visually confirm a color temperature correction amount. (RX-339 at 5: 20-32.)

With the conventional color panel set, a photographer has to suitably combine a color panel and a color temperature conversion filter panel and manually mounting them on the light emitter of the flash. Accordingly, it is difficult to easily change the color temperature of the flash light. Since the colors and the color mixing ratio of color panels are constant, the color temperature of the flash light cannot be continuously adjusted.

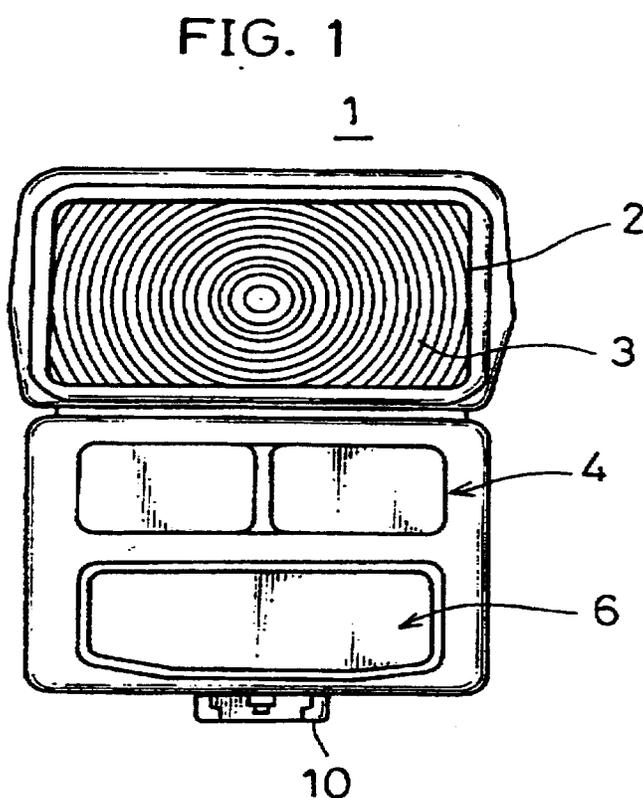
(RX-339 at 1:23-30.)

The Staff has construed this term to mean “illumination appropriate to provide lighting of a subject in film or video.” Even under Staff’s construction, the evidence shows that the Kishimoto reference discloses this limitation.

Specifically, this limitation is disclosed in the following excerpts of Kishimoto:

a camera compris[ing]: an electronic flash which emits flash light for illuminating an object for photography; an auxiliary illumination unit which emits light having a different color temperature from the flash light emitted by the electronic flash to the object; and a controller which controls emission of the auxiliary emission unit when the electronic flash emits flash light to adjust the color temperature of illumination light to the object

RX-339 at 1:51-58.) The specification further explains that “the LED unit 5 serves as an auxiliary emission unit.” (*Id.* at 3:15-16.) An embodiment of the Kishimoto reference is depicted in Fig.1, as shown below:



The light emitting diode unit 5 is located behind the second light emission window 4. (*Id.*) The specification further states that the LEDs located in unit 5 may be red or blue. (*Id.* at 3:32-44.) Thus, Kishimoto explicitly discloses “an illumination system suitable to provide proper illumination for lighting of a subject in film or video.”

Litepanels contends that Kishimoto fails to disclose the preamble limitation solely because its construction excludes the use of colored LEDs. (CX-2075C at Q&A 304-305.) Mr. Wood has testified as follows regarding the deficiencies of the Kishimoto reference:

The LEDs used in Kishimoto are disclosed as colored LEDs, not white LEDs. The LEDs disclosed in Kishimoto would not be suitable to provide proper illumination for lighting of a subject in film or video in the manner disclosed by the Litepanel's patents. As I mentioned earlier, the LEDs in Kishimoto are not even used for the purpose of illumination, but for color correction. The Kishimoto '128 Patent discloses the use of mixing together the output of a number of narrow band LED emitters, such as red, green, and blue, to tint or alter the white of the primary source (i.e. the xenon flash) . . . The Litepanels's patents specifically exclude and disclaim the use of white light produced by mixing narrow band LEDs, such as those disclosed in Kishimoto, as inappropriate and unsuitable for illuminating the subject as claimed. The disclosed product in Kishimoto is a flash unit for producing short bursts of light; it does not produce continuous light as required by the claims of the Litepanels' patents.

(CX2075C at Q&A 305.) As Staff correctly notes, there are several flaws with this testimony.

First, Mr. Wood's interpretation of the '823 Patent relies solely on his incorrect construction of the preamble. As discussed above *supra* Section IV.C.1, this construction is unjustifiably narrow and should not be adopted as it limits the claims to white LEDs.

Moreover, Mr. Wood is incorrect in his assertion that "LEDs in Kishimoto are not used for the purpose of illumination, but for color correction." While it is clear Kishimoto discloses the use of the LED emitters for color correction, (*see* RX-339 at 1:51-58), the Kishimoto reference explicitly refers to the light emitted by the LEDs as "illumination light": "The LED drive circuit 502 is controlled by an emission controller to be described later and changes the color temperature of light emitted toward the object (flash light and light emitted from the LEDs, hereinafter, "illumination light") by controlling the light emission times" (*Id.* at 3:61-65.) In addition, Mr. Wood admitted at the hearing that the LED lights in the Kishimoto reference

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were used for illumination. (Tr. 796:7-15.) Thus, Kishimoto does disclose the use of LEDs for illumination purposes.

Finally, the ALJ finds that Mr. Wood incorrectly states that the claims of the asserted patents require continuous light. Litepanels's construction of "proper illumination" does not mention the word "continuous." Moreover, Mr. Wood admitted at that the hearing that Litepanels's construction of the preamble does not limit the inventions to continuous light:

Q. So, under your construction of the preamble of the three asserted patents, it's your opinion that the light is required to be continuous?

A. It normally would be continuous, yes.

Q. Can we put up CDX-27?

Q. Can you identify where in your construction of proper illumination the requirement of continuous -- where there's the requirement for the continuous light?

A. No, you are right, it's not there.

Q. So, in your construction, is continuous light a requirement in the preamble?

A. It is not. It is not.

(Tr. 707:7-21.) Thus, Mr. Wood's testimony is contradicted by the Kishimoto reference itself or admittedly incorrect.

(b) a lightweight, portable frame having a panel including a mounting surface;

The first limitation of claim 17 of the '823 Patent recites "a lightweight, portable frame having a panel including a mounting surface." Kishimoto's Figure 16 illustrates a "*lightweight portable* frame having a panel including a mounting surface" (e.g., "drive circuit 621" of Fig. 16; (RX-339 at 12: 32-33) (emphasis added).

(c) a plurality of semiconductor light elements disposed on said mounting surface;

The second limitation of claim 17 of the '823 Patent recites "a plurality of semiconductor light elements disposed on said mounting surface." With regard to the second limitation, the

Kishimoto '128 Patent specifically discloses a plurality of “light emitting elements 501” (or 63 in Fig. 16) disposed on the “drive circuit 621.” (RX-339 at 12:30-36, Fig. 16.) Figure 3 of Kishimoto shows “a *pair of light emitting elements 501* including light emitting diodes, an *LED drive circuit 502* for driving the light emitting elements 501, a *diffuser lens 503* and a *condenser lens 504*” (RX-339 at 3:17-25 (emphasis added).) The LEDs in Fig. 3 are clearly disposed on “a mounting surface of a panel,” *i.e.*, drive circuit 502.

(d) an integrated power source contained within or secured to said portable frame

The third limitation of claim 17 of the '823 Patent recites “an integrated power source contained within or secured to said portable frame.” With regard to the third limitation of claim 17 of the '823 Patent, the Kishimoto '128 Patent expressly discloses “an integrated power source,” such as a power battery, contained “*within a battery chamber 7* (see Fig. 2) of an upper portion of the electronic flash 1.” (RX-339: 4: 63-64 (emphasis added).)

(e) wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.

Claim 17 ends with the condition “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” With regard to this final condition, Figures 1 and 8 of the Kishimoto '128 Patent illustrate a “connection unit 10 project[ing] from the bottom surface of the electronic flash 1 to externally connect the electronic flash 1 with the camera.” (RX-339 at 5:15-17.) Therefore, the electronic flash 1 of the Kishimoto '128 Patent is adapted for being securably[sic] attached to and readily disengaged from a movable camera, thus following movements of the movable camera.

Litepanels does not dispute that these remaining limitations of claim 17 can be found in Kishimoto. (CX-2075C at Q&A 312.) Thus, the ALJ finds that the evidence has shown that Kishimoto '128 Patent anticipates claim 17 of the '823 patent.

(2) Claim 19

With respect to claim 19, the ALJ finds that evidence has shown that Kishimoto does not disclose the following limitation by clear and convincing evidence: “a control input for selectively controlling an illumination level of the semiconductor light elements. . . .” (CX-2075C at Q&A 307.) Accordingly, the ALJ finds that Respondents have not shown by clear and convincing evidence that Kishimoto reference anticipates claim 19.

(3) Claim 28

The evidence has shown that the Kishimoto reference anticipates claim 28, which requires the panel to be “rectangular and flat.” Figure 16 of the Kishimoto reference discloses a “flat and rectangular” panel 621 on which the LEDs are mounted. (*See, e.g.*, Fig. 1.) Accordingly, the ALJ finds that clear and convincing evidence shows that claim 28 of the '823 Patent is anticipated.

c) Lebens '661 Patent

Respondents assert that the asserted claims of the '823 Patent are invalid over the disclosure of U.S. Patent No. 6,095,661 to Lebens et al (“the Lebens '661 Patent”) (RX-305). The Lebens '661 Patent was filed March 19, 1998 and issued August 1, 2000. The Lebens '661 Patent is at least prior art under 35 U.S.C. § 102(b).

It is not entirely clear from Respondents' brief whether they contend that Lebens '661 Patent anticipates the asserted claims. In any event, the ALJ finds that the Lebens '661 Patent does not anticipate the asserted claims of the '823 Patent. In particular, the ALJ finds that

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Respondents have failed to identify anywhere in the Lebens '661 Patent where this reference discloses “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” (See RIB at 36.) Instead, they appear to rely on a combination of other references to satisfy this element. (See *id.*) Moreover, Litepanels presented evidence that this element is not found in the Lebens '661 Patent. (See CX-2075C at Q&A 235.) This element is found in all of the asserted claims of the '823 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the '823 Patent because the Lebens '661 Patent does not disclose at least this one element of the asserted claims. See *Therasense*, 593 F.3d at 1332 (“Anticipation requires the presence in a single prior art disclosure of all of the elements of a claimed invention arranged as in the claim.”).

d) Ducharme '336 Patent (RX-319)

Respondents assert that the asserted claims of the '823 Patent are invalid over the disclosure of U.S. Patent No. 7,014,336 to Ducharme et al (“the Ducharme '336 Patent”) (RX-319). The Ducharme '336 Patent was filed November 20, 2000 and issued March 21, 2006. The Ducharme '336 Patent claims priority back to series of provisional patent applications. The earliest of which was filed on November 18, 1999. The Ducharme '336 Patent is prior art under 35 U.S.C. § 102(e).

It is not entirely clear from Respondents' brief whether they contend that Ducharme '336 Patent anticipates the asserted claims. In any event, the ALJ finds that the Ducharme '336 Patent does not anticipate the asserted claims of the '823 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Ducharme '336 Patent where this reference discloses the following claim elements of the asserted claims of the '823 Patent: (1) “an

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integrated power source contained within or secured to said portable frame;” and (2) “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” (See RIB at 42-45.)

As for the first element, Respondents state that “Ducharme discloses that the ‘[p]ower module (372) has a connection side holding an electrical connector female pin assembly (394) adapted to fit the pins from assembly (392). Power module (372) has a power terminal side holding a terminal (398) for connection to a source of power such as an AC or DC electrical source. Any standard AC or DC jack may be used, as appropriate.” (RIB at 73.) It appears that this language does not disclose an integrated power source. Instead, it appears to disclose that the device must be connected to an external power source. Indeed, Litepanels’s expert testified that this was the case. (CX-2075C at Q&A 130.) Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve, LLC v. Computer Packages, Inc.*, No. 2011-1206, -1221, --- F.3d ----, 2012 WL 3573845, at *7 (Fed. Cir. Aug. 7, 2012) (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder Inc. v. L’Oreal, S.A.*, 129 F.3d 588, 595 (Fed. Cir. 1997))). Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. See *Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity); see also *Koito Mfg. Co. v. Turn-Key-Tech LLC*, 381 F.3d 1142, 1151 (Fed. Cir. 2004) (reversing jury finding of invalidity where defendant introduced prior art patent as evidence “but otherwise failed to provide any testimony or other evidence that would

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demonstrate to the jury how that reference met the limitation of the claims...”); *Schumer v. Computer Sys., Inc.*, 308 F.3d 1304, 1315 (Fed. Cir. 2002) (“Typically, testimony concerning anticipation must be testimony from one skilled in the art and must identify each claim element, and explain in detail how each claim element is disclosed in the prior art reference.”). This claim element is present in all of the asserted claims of the ’823 Patent. Accordingly, because this element is lacking from the Ducharme ’336 Patent, the ALJ finds that Respondents have failed to prove anticipation for all of the asserted claims for that reference.

As for the second element, “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus,” Respondents do not provide any evidence that this limitation is disclosed in the Ducharme ’336 Patent. (RIB at 44.) Instead, Respondents appear to rely on a combination of other references to satisfy these elements. (*See id.*) Moreover, Litepanels presented evidence that this element is not found in the Ducharme ’336 Patent. (*See CX-2075C at Q&A 131.*) This element is found in all of the asserted claims of the ’823 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the ’823 Patent because the Ducharme ’336 Patent does not disclose at least this element of the asserted claims. *See Therasense*, 593 F.3d at 1332 (“Anticipation requires the presence in a single prior art disclosure of all of the elements of a claimed invention arranged as in the claim.”).

e) Belliveau ’893 Patent

Respondents assert that the asserted claims of the ’823 Patent are invalid over the disclosure of U.S. Patent No. 6,357,893 to Belliveau (“the Belliveau ’893 Patent”) (RX-326).

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The Belliveau '893 Patent was filed March 15, 2000 and issued March 19, 2002. The Belliveau '893 Patent is at least prior art under 35 U.S.C. § 102(e).

It is not entirely clear from Respondents' brief whether they contend that the Belliveau '893 Patent anticipates the asserted claims. In any event, the ALJ finds that the Belliveau '893 Patent does not anticipate the asserted claims of the '823 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Belliveau '893 Patent where this reference discloses the following claim element of the asserted claims of the '823 Patent "wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus." (See RIB at 47-48.)

Respondents rely on U.S. Patent No. 5,752,766 to Bailey (Bailey '766 Patent) to disclose the element "wherein said portable frame is adapted for being securable attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus."⁷ (RIB at 47-48.) Respondents assert that Figures 1 and 2 of the Bailey '766 disclose "the cylindrical can-like shield may have opposed bosses 35 formed on the exterior thereof whereby **the apparatus 10 may be suitably mounted on support structure**, including bail 36 in a conventional manner. **Winghead screws 38 are operable to connect the bail 36 to the shield 32 and for adjusting the attitude of the axis 11 of the apparatus 10 with respect to the bail.**" (RIB at 47-48 (quoting RX-302 at 3:30-37).) However, as Litepanels's expert and Staff correctly note the Bailey '766 Patent does not teach a frame that can be readily disengaged from a camera apparatus. (See CRB at 39; SRB at 12.)

⁷ Respondents contend that the Bailey '766 Patent and the Belliveau '893 Patent should be treated as a single disclosure for anticipation purposes. It is not entirely clear if this is correct. See *Advanced Display Sys. v. Kent State Univ.*, 212 F.3d 1272 (Fed. Cir. 2000) (explaining requirements for incorporation by reference). However, because the ALJ finds that even if this disclosure is incorporated by reference there is still no anticipation, the ALJ declines to determine what particular material is incorporated by reference from the Bailey '766 Patent.

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Bailey does not even teach a portable structure. (SRB at 12.) Instead, as Litepanels's expert testified Bailey discloses a device that appears to be permanently, or at least semi-permanently attached to a support structure such as an overhead framework or scaffolding." (CX-2075C at Q&A 637.) Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve*, 2012 WL 3573845, at *7 ("Such 'argument of counsel cannot take the place of evidence lacking in the record.'" (quoting *Estee Lauder*, 129 F.3d at 595).) Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. See *Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity); see also *Koito Mfg. Co.*, 381 F.3d at 1151 (reversing jury finding of invalidity where defendant introduced prior art patent as evidence "but otherwise failed to provide any testimony or other evidence that would demonstrate to the jury how that reference met the limitation of the claims...."); *Schumer*, 308 F.3d at 1315 ("Typically, testimony concerning anticipation must be testimony from one skilled in the art and must identify each claim element, and explain in detail how each claim element is disclosed in the prior art reference."). This element is found in all of the asserted claims of the '823 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the '823 Patent because the Belliveau '893 Patent (even if it does incorporate this disclosure by reference from the Bailey '766 Patent) does not disclose at least this element of the asserted claims. See *Therasense*, 593 F.3d at 1332 ("Anticipation requires the presence in a single prior art disclosure of all of the elements of a claimed invention arranged as in the claim.").

2. The '652 Patent

a) Lys '626 Patent

Respondents assert that the asserted claims of the '652 Patent are invalid over the disclosure of U.S. Patent No. 6,211,626 to Lys et al (“the Lys '626 Patent”) (RX-318) (discussed *supra* Section VI.C.1.a).

As with the '823 Patent, it is not entirely clear from Respondents' brief whether they contend that Lys anticipates the asserted claims. The Lys '626 Patent is not even discussed in Respondents' reply brief with respect to the '652 Patent. In addition, Respondents never raised this argument in their pre-hearing brief and so it is waived. (*See* Ground Rule 8.1(f).) In any event, the ALJ finds that Lys does not anticipate the asserted claims of the '652 Patent. As an initial matter, the ALJ notes that the Lys '626 Patent was before the examiner during the prosecution of the '652 Patent (CX-2075C at Q&A 166), and so Respondents have a particularly heavy burden in establishing invalidity based on this reference. *See Impax Labs.*, 468 F.3d at 1378 (“When the prior art was before the examiner during prosecution of the application, there is a particularly heavy burden in establishing invalidity.”). The ALJ finds that the Respondents have failed to prove by clear and convincing evidence that, at the very least, the Lys '626 Patent discloses the following elements of claim 1 of the '652 Patent: (1) “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature;” and (2) “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”

As for the first element, Respondents cite to a passage in the Lys '626 Patent discussing how the light sensor could measure the color temperature and intensity in the external environment and the lighting system could then mimic that that color temperature and intensity. (RIB at 81 (quoting RX-318 at 40:62-41:3).) The section also states the “room lights could

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mimic an external sunset with an internal sunset...” (*Id.*) Respondents’ brief then states that “Sunset temperatures are called ‘tungsten color temperatures.’” (RIB at 82.) However, there is no citation to support this contention. As Litepanels correctly points out, there is no expert testimony in the record to support these contentions or to establish that a person of ordinary skill in the art would understand the quoted passages in Respondents’ brief as disclosing the element that “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature.” (CRB at 17.) Moreover, Litepanels’s expert testified that this element is not met. (CX-2075C at Q&A 170, 173, 190, 191.) Attorney argument cannot fill this evidentiary gap. *See Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595).) Accordingly, Respondents have failed to show by clear and convincing evidence that the Lys ’626 Patent teaches the element of claim 1 that “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature.” Thus, the Lys ’626 Patent cannot anticipate the asserted claims of the ’652 Patent because all of them contain this claim element.

In addition, Respondents have failed to show by clear and convincing evidence that the Lys ’626 Patent teaches the claim element “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.” Indeed, it is apparent from Respondents’ brief that they are relying on the combination of the Lys ’626 Patent with other references to meet this limitation. (RIB at 82-83.) Accordingly, Respondents have failed for this additional reason that the Lys ’626 Patent anticipates the asserted claims of the ’652 Patent because all of these asserted claims of the ’652 Patent contain this claim element.

b) Lebens '661 Patent

Respondents assert that the asserted claims of the '652 Patent are invalid over the disclosure of U.S. Patent No. 6,095,661 to Lebens et al (“the Lebens '661 Patent”) (RX-305) (discussed *supra* Section VI.C.1.c)

It is not entirely clear from Respondents' brief whether they contend that Lebens '661 Patent anticipates the asserted claims. In any event, the ALJ finds that the Lebens '661 Patent does not anticipate the asserted claims of the '652 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Lebens '661 Patent where this reference discloses (1) “at least one of said semiconductor elements emitting light in a daylight or tungsten temperature range;” and (2) “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” (See RIB at 76-77.)

As to the first element, Respondents argue that “[t]he NSPW 310AS LEDs used in the Lebens embodiment had a color temperature of 8000° K and would thus be in the range spanning daylight.” (RIB at 76.) However, there is no citation to support this contention. In their reply brief, Respondents further assert that “Mr. Wood acknowledged that color temperatures of 5500 to 7500° Kelvin were known in the art by 1998 to be suitable to achieve a daylight look.” This statement does not establish the previous statement regarding the properties of the NSPW 310AS LEDs. Instead, it appears to be an effort to establish obviousness. As Staff correctly points out, there is no expert testimony in the record to support these contentions or to establish that the NSPW 310AS LEDs have a color temperature of 8000 K. (SRB at 12.) Attorney argument cannot fill this evidentiary gap. See *Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595).) Moreover, as Staff also correctly notes, even if Respondents could establish that

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the Lebens '661 Patent discloses a color temperature of 8000 K, the evidence Respondents cite does not establish that this is in the daylight range. (SRB at 13.) Respondents cite the testimony of Litepanels's expert for the proposition that daylight spans the range from 5500 to 7500 K. (RIB at 76 (citing Tr. 600:17-603:21).) The alleged color temperature disclosed in the Lebens '661 Patent is 8000 K, which is outside that range. Accordingly, Respondents have failed to show by clear and convincing evidence that the Lebens '661 Patent teaches the element of claim 1 that "at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature." Thus, the Lebens '661 Patent cannot anticipate the asserted claims of the '652 Patent because all of them contain this claim element.

As for the second element, Respondents have failed to show by clear and convincing evidence that the Lebens '661 Patent discloses the element of the asserted claims of "wherein said portable frame is adapted for being mounted to and readily disengaged from a stand." (RIB at 76-77.) Instead, they appear to rely on a combination of other references to satisfy this element. (*See id.*) Moreover, Litepanels presented evidence that this element is not found in the Lebens '661 Patent. (*See CX-2075C at Q&A 235.*) This element is found in all of the asserted claims of the '652 Patent. Accordingly, the ALJ finds that the Respondents have failed to prove that the Lebens '661 Patent anticipate the asserted claims of the '652 Patent because Respondents have failed to prove that the Lebens '661 Patent discloses this element of the asserted claims. *See Therasense*, 593 F.3d at 1332 (Fed. Cir. 2010) ("Anticipation requires the presence in a single prior art disclosure of all of the elements of a claimed invention arranged as in the claim.").

c) Ducharme '336 Patent (RX-319)

Respondents assert that the asserted claims of the '652 Patent are invalid over the disclosure of U.S. Patent No. 7,014,336 to Ducharme et al (“the Ducharme '336 Patent”) (RX-319). (discussed *supra* Section VI.C.1.d)

It is not entirely clear from Respondents’ brief whether they contend that Ducharme '336 Patent anticipates the asserted claims. In any event, the ALJ finds that the Ducharme '336 Patent does not anticipate the asserted claims of the '652 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Ducharme '336 Patent where this reference discloses the following claim elements of the asserted claims of the '652 Patent: (1) “a portable frame having a panel including a mounting surface;” and (2) “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a stand.” (See RIB at 42-45.)

As for the first element, Respondents state that “Ducharme discloses, ‘The depicted embodiment comprises a lower body section (5001), an upper body section (5003), and a lighting fixture (5005).’” (RIB at 94 (quoting RX-319 at 12:7-9).) The ALJ finds that it is not clear that this section discloses a “portable frame having a panel including a mounting surface.” Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595)). Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. See *Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity). This claim element is present in all of the asserted claims of

the '652 Patent. Accordingly, because this element is lacking from the Ducharme '336 Patent, the ALJ finds that Respondents have failed to prove anticipation for all of the asserted claims for that reference.

As for the second element, “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus,” Respondents do not provide any evidence that this limitation is disclosed in the Ducharme '336 Patent. (RIB at 95-96.) Instead, Respondents appear to rely on a combination of other references to satisfy these elements, in particular the stand element. (*See id.* at 96) Moreover, Litepanels presented evidence that this element is not found in the Ducharme '336 Patent. (*See* CX-2075C at Q&A 139.) This element is found in all of the asserted claims of the '652 Patent. Accordingly, the ALJ finds that Respondents have failed to prove that this reference anticipates the asserted claims of the '652 Patent because they have failed to prove by clear and convincing evidence that the Ducharme '336 Patent discloses this element of the asserted claims.

d) Belliveau '893 Patent

Respondents assert that the asserted claims of the '652 Patent are invalid over the disclosure of U.S. Patent No. 6,357,893 to Belliveau (“the Belliveau '893 Patent”) (RX-326). (discussed *supra* Section VI.C.1.e)

It is not entirely clear from Respondents' brief whether they contend that the Belliveau '893 Patent anticipates the asserted claims. In any event, the ALJ finds that the Belliveau '893 Patent does not anticipate the asserted claims of the '652 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Belliveau '893 Patent where this reference discloses the following claim elements of the asserted claims of the '652 Patent: (1)

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“wherein said portable frame is adapted for being mounted to and readily disengaged from a stand;” and (2) “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range.” (See RIB at 89-91.)

Respondents rely on U.S. Patent No. 5,752,766 to Bailey (Bailey ’766 Patent) to disclose the element “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”⁸ (RIB at 91.) Respondents assert that Figures 1 and 2 of the Bailey ’766 disclose “the cylindrical can-like shield may have opposed bosses 35 formed on the exterior thereof whereby **the apparatus 10 may be suitably mounted on support structure**, including bail 36 in a conventional manner. **Winghead screws 38 are operable to connect the bail 36 to the shield 32 and for adjusting the attitude of the axis 11 of the apparatus 10 with respect to the bail.**” (RIB at 91 (quoting RX-302 at 3:30-37).) However, as Litepanels’s expert and Staff correctly note the Bailey ’766 Patent does not teach a frame that can be readily disengaged from a camera apparatus. (See CRB at 19; SRB at 13.) Bailey discloses an apparatus that can be mounted on a support structure, but easy disengagement is not disclosed. (SRB at 12.) Instead, as Litepanels’s expert testified Bailey discloses a device that appears to be permanently, or at least semi-permanently attached to a support structure such as an overhead framework or scaffolding.” (CX-2075C at Q&A 637.) Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595)). Without such

⁸ Respondents contend that the Bailey ’766 Patent and the Belliveau ’893 Patent should be treated as a single disclosure for anticipation purposes. It is not entirely clear if this is correct. See *Advanced Display Sys. v. Kent State Univ.*, 212 F.3d 1272 (Fed. Cir. 2000) (explaining requirements for incorporation by reference). However, because the ALJ finds that even if this disclosure is incorporated by reference there is still no anticipation, the ALJ declines to determine what particular material is incorporated by reference from the Bailey ’766 Patent.

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testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. *See Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity) This element is found in all of the asserted claims of the '652 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the '652 Patent because the Belliveau '893 Patent (even if it does incorporate this disclosure by reference from the Bailey '766 Patent) does not disclose at least this element of the asserted claims.

Respondents argue that “Belliveau discloses a lighting system with at least one LED element emitting light with a ‘color temperature within the range of 1000 K – 9500 K.’” (RIB at 87.) Respondents argue that Belliveau states that:

When providing a lighting instrument constructed of a plurality of white LEDs it can be of great advantage to adjust the color temperature of the emitted light. This advantage is similar to the manual selection of prior art fluorescent lamps that are "cool white" or "soft white". By incorporating at least one additional wavelength light source such as an amber or yellow LED types, the perceived color of the light emitted by the white LEDs can be altered from a "cool" or bluish white to a "soft" or yellowish light. The white continuous spectrum LED and an additional wavelength LED may either be individual LEDs separately packaged and fixed to a substrate or they may be manufactured so that both LEDs are contained within a single housing and the housing is fixed to the substrate. It is known in the prior art to package two narrow band (colored LEDs) in a single package for ease of handling and mounting.

(RX-326 at 3:64-4:11.)

However, they point to no disclosure or evidence that Belliveau discloses “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature.” Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. *See Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’”

(quoting *Estee Lauder*, 129 F.3d at 595)). Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. See *Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity) This claim element is present in all of the asserted claims of the '652 Patent. Accordingly, because this element is lacking from the Belliveau '893 Patent, the ALJ finds that Respondents have failed to prove anticipation for all of the asserted claims.

3. The '022 Patent

a) Lys '626 Patent

Respondents assert that the asserted claims of the '022 Patent are invalid over the disclosure of U.S. Patent No. 6,211,626 to Lys et al (“the Lys '626 Patent”) (RX-318) (discussed *supra* Section VI.C.1.a).

As with the '823 Patent and the '652 Patent, it is not entirely clear from Respondents' brief whether they contend that Lys anticipates the asserted claims. As an initial matter, the ALJ notes that the Lys '626 Patent was before the examiner during the prosecution of the '652 Patent (CX-2075C at Q&A 166), and so Respondents have a particularly heavy burden in establishing invalidity based on this reference. See *Impax Labs.*, 468 F.3d at 1378 (“When the prior art was before the examiner during prosecution of the application, there is a particularly heavy burden in establishing invalidity.”). In any event, the ALJ finds that Lys does not anticipate the asserted claims of the '022 Patent. The ALJ finds that the Respondents have failed to prove by clear and convincing evidence that, at the very least, the Lys '626 Patent discloses the following elements of claim 1 of the '022 Patent: (1) “at least one of said semiconductor light elements emitting light in a daylight color temperature range or a tungsten color temperature range;” and (2) “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”

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As for the first element, Respondents cite to a passage in the Lys '626 Patent discussing how the light sensor could measure the color temperature and intensity in the external environment and the lighting system could then mimic that that color temperature and intensity. (RIB at 111 (quoting RX-318 at 40:62-41:3).) The section also states the “room lights could mimic an external sunset with an internal sunset...” (*Id.*) Respondents’ brief then states that “Sunset is known to have a color temperature in [the tungsten color temperature] range, namely 3000-4000 K.” (RIB at 112.) However, there is no citation to support this contention. As Litepanels correctly points out, there is no expert testimony in the record to support these contentions or to establish that a person of ordinary skill in the art would understand the quoted passages in Respondents’ brief as disclosing the element that “at least one of said semiconductor light elements emitting light in a daylight color temperature range or tungsten color temperature range.” (CRB at 28.) Moreover, Litepanels’s expert testified that this element is not met. (CX-2075C at Q&A 170, 173, 190, 191.) Attorney argument cannot fill this evidentiary gap. *See Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595)). Accordingly, Respondents have failed to show by clear and convincing evidence that the Lys '626 Patent teaches the element of claim 1 that “at least one of said semiconductor light elements emitting light in a daylight color temperature range or tungsten color temperature range.” Thus, the Lys '626 Patent cannot anticipate the asserted claims of the '022 Patent because all of them contain this claim element.

In addition, the ALJ finds that Respondents have not shown that the Lys '626 Patent teaches the claim requirement “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a stand.” Respondents rely on Figures 45 and 46 as

evidence of such teaching. However, as Staff correctly notes, these figures disclose lighting devices fixed permanently to billboards. (RX-318 at 35:36-55.) As Litepanels's expert testified, easy disengagement is not contemplated in such situations. (See CX-2075C at Q&A 175.) Respondents offer no evidence to rebut this opinion. Accordingly, Respondents have failed to show by clear and convincing evidence the Lys '626 Patent anticipates the '022 Patent for this additional reason.

b) Lebens '661 Patent (RX-305)

Respondents assert that the asserted claims of the '022 Patent are invalid over the disclosure of U.S. Patent No. 6,095,661 to Lebens et al ("the Lebens '661 Patent") (RX-305). (discussed *supra* Section VI.C.1.c)

It is not entirely clear from Respondents' brief whether they contend that Lebens '661 Patent anticipates the asserted claims. In any event, the ALJ finds that the Lebens '661 Patent does not anticipate the asserted claims of the '022 Patent. As an initial matter, the ALJ notes that the Lebens '661 Patent was before the examiner during the prosecution of the '022 Patent (CX-2075C at Q&A 230), and so Respondents have a particularly heavy burden in establishing invalidity based on this reference. See *Impax Labs.*, 468 F.3d at 1378 ("When the prior art was before the examiner during prosecution of the application, there is a particularly heavy burden in establishing invalidity."). In particular, the ALJ finds that Respondents have failed to identify anywhere in the Lebens '661 Patent where this reference discloses (1) "at least one of said semiconductor elements emitting light in a daylight temperature range or tungsten temperature range;" and (2) "wherein said portable frame is adapted for being mounted to and readily disengaged from a stand." (See RIB at 107-108.)

As to the first element, Respondents do not seem to assert that the Lebens '661 Patent discloses this element. (RIB at 107-108; RRB at 54-55.) Instead, Respondents only seem to assert that it would have been obvious to a person of ordinary skill in the art at the time of the invention to use semiconductor light elements in a daylight temperature range. (RIB at 107-108; RRB at 54-55.) This is not a statement that the reference discloses the claimed limitation. Instead, it appears to be an effort to establish obviousness. Accordingly, the ALJ finds that the Lebens '661 Patent cannot anticipate the asserted claims of the '022 Patent because the Lebens '661 Patent does not disclose at least this one element of the asserted claims.

As for the second element, Respondents have failed to show by clear and convincing evidence that the Lebens '661 Patent discloses the element of the asserted claims of “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.” (RIB at 108.) Instead, they appear to rely on a combination of other references to satisfy this element. (*See id.*) Moreover, Litepanels presented evidence that this element is not found in the Lebens '661 Patent. (*See CX-2075C at Q&A 252.*) This element is found in all of the asserted claims of the '022 Patent. Accordingly, the ALJ finds that the Lebens '661 Patent cannot anticipate the asserted claims of the '022 Patent because the Lebens '661 Patent does not disclose at least this one element of the asserted claims.

c) Ducharme '336 Patent

Respondents assert that the asserted claims of the '022 Patent are invalid over the disclosure of U.S. Patent No. 7,014,336 to Ducharme et al (“the Ducharme '336 Patent”) (RX-319). (discussed *supra* Section VI.C.1.d)

It is not entirely clear from Respondents' brief whether they contend that Ducharme '336 Patent anticipates the asserted claims. In any event, the ALJ finds that the Ducharme '336 Patent

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does not anticipate the asserted claims of the '022 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Ducharme '336 Patent where this reference discloses the following claim elements of the asserted claims of the '022 Patent: (1) “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;” and (2) “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.” (See RIB at 42-45.)

As for the first element, Respondents state that “One focus of Ducharme is control of LEDs. . . . Thus, Ducharme states, ‘The lighting fixture may include a controller and/or a processor for controlling the intensities of the LEDs to produce various color temperatures in the range.’” (RIB at 122 (quoting RX-319 at 4:62-64).) The ALJ finds that it is not clear that this section discloses “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted.” Indeed, Respondents’ brief suggests that it does not because immediately following this passage they state that “Dimmers were well-known in the art as part of LED displays and backlighting systems and it would have been obvious....” This passage suggests that Ducharme does not disclose dimmers. Moreover, Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’” (quoting *Estee Lauder*, 129 F.3d at 595)). Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing evidence. See *Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity). This claim element is present in all of the asserted claims of the '022 Patent. Accordingly, because this

element is lacking from the Ducharme '336 Patent, the ALJ finds that Respondents have failed to prove anticipation by clear and convincing evidence for all of the asserted claims for that reference.

As for the second element, “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.” Respondents do not provide any evidence that this limitation is disclosed in the Ducharme '336 Patent. (RIB at 123.) Instead, Respondents appear to rely on a combination of other references to satisfy these elements, in particular the stand element. (*See id.*) Moreover, Litepanels presented evidence that this element is not found in the Ducharme '336 Patent. (*See CX-2075C at Q&A 151.*) This element is found in all of the asserted claims of the '022 Patent. Accordingly, the ALJ finds that Respondents have failed to prove that this reference anticipates the asserted claims of the '022 Patent because they have failed to prove by clear and convincing evidence that the Ducharme '336 Patent discloses this element of the asserted claims.

d) Belliveau '893 Patent

Respondents assert that the asserted claims of the '022 Patent are invalid over the disclosure of U.S. Patent No. 6,357,893 to Belliveau (“the Belliveau '893 Patent”) (RX-326). (discussed *supra* Section VI.C.1.e)

It is not entirely clear from Respondents’ brief whether they contend that the Belliveau '893 Patent anticipates the asserted claims. In any event, the ALJ finds that the Belliveau '893 Patent does not anticipate the asserted claims of the '022 Patent. In particular, the ALJ finds that Respondents have failed to identify anywhere in the Belliveau '893 Patent where this reference discloses the following claim element of the asserted claims of the '022 Patent: (1) “wherein said frame is adapted for being mounted to and readily disengaged from a stand;” and

(2) “at least one of said semiconductor light elements individually emitting light in a daylight temperature range or tungsten color temperature range.” (See RIB at 117-118.)

Respondents rely on U.S. Patent No. 5,752,766 to Bailey (Bailey ’766 Patent) to disclose the element “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”⁹ (RIB at 119.) Respondents assert that Figures 1 and 2 of the Bailey ’766 disclose “the cylindrical can-like shield may have opposed bosses 35 formed on the exterior thereof whereby **the apparatus 10 may be suitably mounted on support structure**, including bail 36 in a conventional manner. **Winghead screws 38 are operable to connect the bail 36 to the shield 32 and for adjusting the attitude of the axis 11 of the apparatus 10 with respect to the bail.**” (RIB at 119 (quoting RX-302 at 3:30-37).) However, as Litepanels’s expert and Staff correctly note the Bailey ’766 Patent does not teach a frame that can be readily disengaged from a camera apparatus. (See CRB at 30; SIB at 106.) Bailey discloses an apparatus that can be mounted to a support structure, but easy disengagement is not disclosed. (SIB at 106) Instead, as Litepanels’s expert testified Bailey discloses a device that appears to be permanently, or at least semi-permanently attached to a support structure such as an overhead framework or scaffolding.” (CX-2075C at Q&A 637.) Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. See *Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’”). Without such testimony or evidence, this conclusory argument is insufficient to carry their burden of proving invalidity by clear and convincing

⁹ Respondents contend that the Bailey ’766 Patent and the Belliveau ’893 Patent should be treated as a single disclosure for anticipation purposes. This is not entirely clear if this is correct. See *Advanced Display Sys. v. Kent State Univ.*, 212 F.3d 1272 (Fed. Cir. 2000) (explaining requirements for incorporation by reference). However, because the ALJ finds that even if this disclosure is incorporated by reference there is still no anticipation, the ALJ declines to determine what particular material is incorporated by reference from the Bailey ’766 Patent.

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evidence. *See Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity). This element is found in all of the asserted claims of the '022 Patent. Accordingly, the ALJ finds that this reference cannot anticipate the asserted claims of the '022 Patent because the Belliveau '893 Patent (even if it does incorporate this disclosure by reference from the Bailey '766 Patent) does not disclose at least this element of the asserted claims.

Respondents argue that “Belliveau discloses a lighting system with at least one LED element emitting light with a ‘color temperature within the range of 1000 K – 9500 K.’” (RIB at 118.) Respondents argue that Belliveau states that:

When providing a lighting instrument constructed of a plurality of white LEDs it can be of great advantage to adjust the color temperature of the emitted light. This advantage is similar to the manual selection of prior art fluorescent lamps that are "cool white" or "soft white". By incorporating at least one additional wavelength light source such as an amber or yellow LED types, the perceived color of the light emitted by the white LEDs can be altered from a "cool" or bluish white to a "soft" or yellowish light. The white continuous spectrum LED and an additional wavelength LED may either be individual LEDs separately packaged and fixed to a substrate or they may be manufactured so that both LEDs are contained within a single housing and the housing is fixed to the substrate. It is known in the prior art to package two narrow band (colored LEDs) in a single package for ease of handling and mounting.

(RX-326 at 3:64-4:11.)

However, they point to no disclosure or evidence that Belliveau discloses “at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature.” Respondents presented no expert testimony to explain how this disclosure meets the asserted claim limitation. Mere attorney argument is insufficient to prove by clear and convincing evidence that this claim element is present in the reference. *See Whitserve*, 2012 WL 3573845, at *7 (“Such ‘argument of counsel cannot take the place of evidence lacking in the record.’”). Without such testimony or evidence, this conclusory argument is insufficient to carry their

burden of proving invalidity by clear and convincing evidence. *See Whitserve*, 2012 WL 3573845, at *8 (refusing to use conclusory evidence to reverse finding of no invalidity) This claim element is present in all of the asserted claims of the '022 Patent. Accordingly, because this element is lacking from the Belliveau '893 Patent, the ALJ finds that Respondents have failed to prove anticipation for all of the asserted claims.

D. Obviousness

Included within the presumption of validity is a presumption of non-obviousness. *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 714 (Fed. Cir. 1984). Obviousness is grounded in 35 U.S.C. § 103, which provide, *inter alia*, that:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

35 U.S.C. § 103(a). Under 35 U.S.C. § 103(a), a patent is valid unless “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a). The ultimate question of obviousness is a question of law, but “it is well understood that there are factual issues underlying the ultimate obviousness decision.” *Richardson-Vicks Inc.*, 122 F.3d at 1479; *Wang Lab., Inc. v. Toshiba Corp.*, 993 F.2d 858, 863 (Fed. Cir. 1993).

Once claims have been properly construed, “[t]he second step in an obviousness inquiry is to determine whether the claimed invention would have been obvious as a legal matter, based on underlying factual inquiries including: (1) the scope and content of the prior art, (2) the level

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of ordinary skill in the art, (3) the differences between the claimed invention and the prior art; and (4) secondary considerations of non-obviousness” (also known as “objective evidence”). *Smiths Indus. Med. Sys., Inc. v. Vital Signs, Inc.*, 183 F.3d 1347, 1354 (Fed. Cir. 1999), citing *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). The ultimate determination of whether an invention would have been obvious is a legal conclusion based on underlying findings of fact. *In re Dembiczak*, 175 F.3d 994, 998 (Fed. Cir. 1999).

Obviousness may be based on any of the alleged prior art references or a combination of the same, and what a person of ordinary skill in the art would understand based on his knowledge and said references. If all of the elements of an invention are found, then:

a proper analysis under § 103 requires, inter alia, consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success. *Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure.*

Velander v. Garner, 348 F.3d 1359, 1363 (Fed. Cir. 2003) (emphasis added) (internal citations omitted).

The critical inquiry in determining the differences between the claimed invention and the prior art is whether there is a reason to combine the prior art references. *See C.R. Bard v. M3 Sys.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998). For example:

[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries

almost of necessity will be combinations of what, in some sense, is already known.

KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398, 418-19 (2007) (emphasis added). The Federal Circuit case law previously required that, in order to prove obviousness, the patent challenger must demonstrate, by clear and convincing evidence, that there is a “teaching, suggestion, or motivation to combine. The Supreme Court has rejected this “rigid approach” employed by the Federal Circuit in *KSR Int'l Co. v. Teleflex Inc.*, 500 U.S. 398 (2007), 127 S.Ct. 1727, 1739. The Supreme Court stated:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Sakraida and Anderson's-Black Rock* are illustrative—a court must ask whether the improvement is more than the predictable use of prior art elements according to their established function.

Following these principles may be more difficult in other cases than it is here because the claimed subject matter may involve more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement. Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicitly. See *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusions of obviousness”). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.

[. . .]

The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends. Granting patent protection to advance that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility.

KSR, 550 U.S. at 417-419; 127 S.Ct. at 1740-41. The Federal Circuit has harmonized the *KSR* opinion with many prior circuit court opinions by holding that when a patent challenger contends that a patent is invalid for obviousness based on a combination of prior art references, “the burden falls on the patent challenger to show by clear and convincing evidence that a person of ordinary skill in the art would have had reason to attempt to make the composition or device, or carry out the claimed process, and would have had a reasonable expectation of success in doing so.” *PharmaStem Therapeutics, Inc. v. ViaCell, Inc.*, 491 F.3d 1342, 1360 (Fed. Cir. 2007)(citing *Medichem S.A. v. Rolabo S.L.*, 437 F.3d 1175, 1164 (Fed. Cir. 2006)); *Noelle v. Lederman*, 355 F.3d 1343, 1351-52 (Fed. Cir. 2004); *Brown & Williamson Tobacco Corp. v. Philip Morris, Inc.*, 229 F.3d 1120, 1121 (Fed. Cir. 2000) and *KSR*, 127 S.Ct. at 1740 (“a combination of elements ‘must do more than yield a predictable result’; combining elements that work together ‘in an unexpected and fruitful manner’ would not have been obvious”). Further, a suggestion to combine need not be express and may come from the prior art, as filtered through the knowledge of one skilled in the art. See *Certain Lens-Fitted Film Pkgs.*, Inv. No. 337-TA-406, Order No. 141 at 6 (May 24, 2005).

“Secondary considerations,” also referred to as “objective evidence of non-obviousness,” must be considered in evaluating the obviousness of a claimed invention, but the existence of such evidence does not control the obviousness determination. *Graham*, 383 U.S. at 17-18. A

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court must consider all of the evidence under the *Graham* factors before reaching a decision on obviousness. *Richardson-Vicks Inc.*, 122 F.3d at 1483-84. Objective evidence of non-obviousness may include evidence of the commercial success of the invention, long felt but unsolved needs, failure of others, copying by others, teaching away, and professional acclaim. See *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 894 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 857 (1984); *Avia Group Int'l, Inc. v. L.A. Gear California*, 853 F.2d 1557, 1564 (Fed. Cir. 1988); *In re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565 (Fed. Cir. 1986), *cert. denied*, 479 U.S. 1034 (1987). The burden of showing secondary considerations is on the patentee and, in order to accord objective evidence substantial weight, a patentee must establish a nexus between the evidence and the merits of the claimed invention; a *prima facie* case is generally set forth “when the patentee shows both that there is commercial success, and that the thing (product or method) that is commercially successful is the invention disclosed and claimed in the patent.” *In re GPAC Inc.*, 57 F.3d 1573, 1580 (Fed. Cir. 1995); *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 956 (1988); *Certain Crystalline Cefadroxil Monohydrate*, Inv. No. 337-TA-293, Comm’n Op. (March 15, 1990). Once a patentee establishes nexus, the burden shifts back to the challenger to show that, *e.g.*, commercial success was caused by “extraneous factors other than the patented invention, such as advertising, superior workmanship, etc.” (*Id.*) at 1393.

Generally, a prior art reference that teaches away from the claimed invention does not create *prima facie* case of obviousness. *In re Gurley*, 27 551, 553 (Fed. Cir. 1994; *Certain Rubber Antidegradants*, Inv. No. 337-TA-533 (Remand), Final ID (Dec. 3, 2008) (stating, “KSR reaffirms that obviousness is negated when the prior art teaches away from the invention.”)).

However, the nature of the teaching is highly relevant. *Id.* “A reference may be said to *teach away* when a person of ordinary skill, upon reading the reference, would be *discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.*” *Id.* (emphasis added). For example, “a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant.” *Id.*

The Federal Circuit has recently explained, moreover, that the obviousness inquiry requires examination of all four Graham factors. *E.g., Mintz v. Dietz & Watson, Inc.*, 679 F.3d 1372, 1375 (Fed. Cir. 2012). Indeed, courts must consider all of the Graham factors prior to reaching a conclusion with respect to obviousness. *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1076–77 (Fed. Cir. 2012) (collecting cases). At all times, the burden is on the defendant to establish by clear and convincing evidence that the patent is obvious. *Id.* at 1077–78.

1. Differences Between the Claimed Inventions and the Prior Art

The ALJ has discussed above the scope and content of the prior art and in particular the elements missing from the various prior art references.

a) The '823 Patent

Respondents assert that the asserted claims of the '823 Patent are obvious in view of the Lebens '661 Patent, the Kishimoto '128 Patent, the Lys '626 Patent, the Belliveau '893 Patent, and the Ducharme '336 Patent. As discussed *supra* in Section VI.C on anticipation, at least (but not exclusively) the following differences exist between the asserted claims and these prior art references:

- For the Lys '626 Patent, the Lebens '661 Patent, the Belliveau '893 Patent, and the Ducharme '336 Patent: “wherein said portable frame is adapted for being

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securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus;”

- For the Lys '626 Patent and the Lebens '661 Patent, “an integrated power source contained within or secured to said portable frame;” and
- For the Kishimoto '128 Patent: “a control input for selectively controlling an illumination level of the semiconductor light elements. . . .” of claim 19.

The ALJ finds for the reasons below that Respondents have failed to show any motivation to combine these references to make up for these differences between the claimed invention and the prior art.

For example, with respect to the Lys '626 Patent, the Lebens '661 Patent, the Belliveau '893 Patent, and the Ducharme '336 Patent, these patents lack (at the very least) the claim element “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a movable camera apparatus such that, when mounted, said portable frame follows movements of the movable camera apparatus.” Respondents argue that:

Attachment of lighting devices to stands or cameras was well known in the lighting device art. *See, e.g.*, the analogous references in U.S. Patent No. 4,984,135 to Crouch, RX-311, 2: 5-10; 3: 56 to 4: 21; U.S. Patent No. 5,580,163 to Johnson, RX-313, 4: 40-44; Figs. 1, 2, & 3. Moreover, it would have been obvious for one skilled in the art to attach the lighting devices disclosed in Lys to a camera. Once attached to a camera, the lighting device **would follow the movements of the camera**. Mr. Wood confirmed that fixing a light to a camera was known by 1998 and identified two known reasons for doing so: (1) so that the light would move with the camera, so that any shadows would not change, and (2) so that the light would remain close to the optical axis of the lens. Wood Tr. 155: 9-156: 13. This knowledge in the art would motivate one to attach the light of Lys '626 onto a camera, as recited in Claim 17.

(RIB at 36.) Respondents made similar statements for the other patents and referred back to this statement for Lys. (*See* RIB at 41 (Lebens '661 Patent) (“The use of mounts to attach light sources to cameras was known in the art; see for example, Crouch, RX-311. Further motivation on this condition is found above regarding the application of Claim 17 to the Lys '626 patent.”));

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RIB at 44 (Ducharme '336 Patent) (“It is known in the art to attach light assemblies to portable video or film cameras. “At present there are a variety of light assemblies that can be mounted on a portable video or film camera”. RX-311, 1: 12-13. Further motivation on this point is found above regarding the application of Claim 17 to the Lys ‘626 patent.”); RIB at 48 (“Further motivation on this point is found above regarding the application of Claim 17 to the Lys ‘626 patent.”).)

This is insufficient to establish obviousness. Respondents have failed to show that a skilled artisan would be motivated to modify any of these references to include a frame that can be “easily disengaged” and also “follows the movement of the movable camera.” As discussed above, this simply amounts to pointing out that something was known in the art and arguing it is obvious. This is insufficient to prove obviousness. *KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374 (holding that post-KSR “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted).) As for the Lebens '661 Patent, Belliveau '893 Patent, and Ducharme '336 Patent there is absolutely no analysis and cannot serve as the basis for an obviousness rejection. *See id.*; *see also ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc.*, --- F.3d ----, 2012 WL 3636908, at *12 (Fed. Cir. August 24, 2012).

For the Kishimoto '128 Patent, Respondents asserted that “Dr. Scholl testified that the knowledge of a person of ordinary skill in the art dating to the 1960s includes the use of a control input for selectively controlling the illumination level of the semiconductor elements. RX-296C,

Q&A 56-59. That limitation would be obvious to a person of ordinary skill in the art as it does nothing more than encompass an arrangement of old elements with each element performing the same function, e.g., dimming or changing intensity, that it had been known to perform, thus yielding no more than one would expect from such an arrangement.” (RIB at 39-40.) This simply amounts to pointing out that something was known in the art and arguing that this is obvious. This is insufficient to prove obviousness. *KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374 (holding that post-*KSR* “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted).)

b) The '652 Patent

Respondents contend that the asserted claims of the '652 Patent are obvious in view of the Lebens '661 Patent, the Lys '626 Patent, the Belliveau '893 Patent, and the Ducharme '336 Patent. As discussed *supra* in Section VI.C on anticipation, at least (but not exclusively) the following differences exist between the asserted claims and these prior art references:

- For the Lys '626 Patent, Ducharme '336 Patent, Lebens '661 Patent, and Belliveau '893 Patent: “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”
- For the Lys '626 Patent, Lebens '661 Patent, and Belliveau '893 Patent: “at least one of said semiconductor light elements individually emitting light in a daylight or tungsten color temperature range.”

The ALJ finds for the reasons below that Respondents have failed to show any motivation to combine these references to make up for these differences between the claimed invention and the prior art.

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For example, for the Lebens '661 Patent, Respondents contend that the claim element, “at least one of said semiconductor light elements individually emitting light in a daylight or tungsten color temperature range,” and make the same obviousness arguments they made with respect to the '823 Patent that “the Litepanels Patents acknowledge that 5500° Kelvin is ‘commonly used in film and photography applications.’ JX-7, 21 : 11-15. Also, Mr. Wood acknowledged that color temperatures of 5500 to 7500° Kelvin were known in the art by 1998 to be suitable to achieve a daylight look. Wood Tr. 600: 17 through 603 : 21. The choice of the desired color temperatures would be self-evident to one in the art.” (RIB at 76; RRB at 41.) This is not analysis of why a person of ordinary skill would be motivated to modify Lebens '661 Patent. As discussed above, this simply amounts to pointing out that something was known in the art and arguing that this is obvious. This is insufficient to prove obviousness. *KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374 (holding that post-KSR “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted).) As for the Lys '626 Patent and Belliveau '893 Patent, there is absolutely no analysis and cannot serve as the basis for an obviousness rejection. *See id.*; *see also ActiveVideo Networks*, 2012 WL 3636908, at *12.

With respect to the Ducharme '336 Patent, it lacks (at the very least) the claim element “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.” Respondents argue that “[m]otivation to include a stand is found in Bosnakovic (RX-327), Crouch (RX-311), and Stephens (RX-321) patents, and is explained by Dr. Scholl (RX-

296C at Q&A 68-72.” (RIB at 96; RRB at 52 (same).) As an initial matter, this is improper and insufficient under Ground Rule 11. The post-hearing brief must contain sufficient argument to present the claim or defense. This simply refers the reader to Dr. Scholl’s testimony and amounts to an improper attempt to incorporate by reference. For that reason alone, it is rejected. In addition, even looking at Dr. Scholl’s testimony that Respondents have cited, Respondents have failed to show that a skilled artisan would be motivated to modify Ducharme to include a stand. Dr Scholl’s testimony in Q&A 68-72 merely describes what the references (Bosnakovic, Crouch, Stephens) contain; it does not contain any information about motivation to combine. This testimony about what was present in the art is insufficient to explain why there was a motivation to combine these references. *See ActiveVideo Networks*, 2012 WL 3636908, at *12 (finding conclusory testimony insufficient to establish obviousness because such an approach is “fraught with hindsight bias”); *see also KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374 (holding that post-KSR “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted).)

c) The '022 Patent

Respondents contend that the asserted claims of the '022 Patent are obvious in view of the Lebens '661 Patent, the Lys '626 Patent, the Belliveau '893 Patent, and the Ducharme '336 Patent. As discussed *supra* in Section VI.C on anticipation, at least (but not exclusively) the following differences exist between the asserted claims and these prior art references:

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- For the Lys '626 Patent, Ducharme '336 Patent, Lebens '661 Patent, and Belliveau '893 Patent: “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand.”
- For the Lys '626 Patent, Lebens '661 Patent, and Belliveau '893 Patent: “at least one of said semiconductor light elements individually emitting light in a daylight temperature range or tungsten color temperature range.”
- For the Ducharme '336 Patent and the Lebens '661 Patent: “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted;”

Before even considering the secondary considerations of nonobviousness (which the ALJ must and does below), Respondents' obviousness case against the '022 Patent fails.

For example, with respect to Ducharme '336 Patent and the Lebens '661 Patent and their lack of a “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted.” With respect to the Lebens '661 Patent, Respondents point to disclosure that “[a]nother embodiment [of Lebens] . . . provides operator-selectable control of the pulse frequency and/or pulse width to provide a reduced apparent brightness in order to increase battery life in situations where maximum brightness is not required.” (RIB at 108 (quoting RX-305 at 6:1-5.)) Respondents then assert “both Mr. Pohlert and Mr. Wood testified that dimmers were well known by 1998.” (RIB at 108 (citing Tr. 87:22-88, 610:7-19).) Setting aside that Respondents provide no explanation what the language they quote from the Lebens '661 Patent discloses and refers to, Respondents' conclusory assertion that dimmers were well known in 1998 does not even come close to establishing why a skilled artisan would have been motivated to modify the disclosure in the Lebens '661 Patent. *See ActiveVideo Networks*, 2012 WL 3636908, at *12 (finding conclusory testimony insufficient to establish obviousness because such an approach is “fraught with hindsight bias”); *see also KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374

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(holding that post-KSR “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted).)

As for the remaining references, Respondents arguments for them are similarly deficient. For example, for the Lys '626 Patent, Lebens '661 Patent, and Belliveau '893 Patent, Respondents contend that the claim element, “at least one of said semiconductor light elements individually emitting light in a daylight temperature range or tungsten color temperature range,” and make the same obviousness argument that they made with respect to the '823 and '652 Patents that “the Litepanels Patents acknowledge that 5500° Kelvin is ‘commonly used in film and photography applications.’ JX-7, 21:11-15. Also, Mr. Wood acknowledged that color temperatures of 5500 to 7500° Kelvin were known in the art by 1998 to be suitable to achieve a daylight look. Wood Tr. 600: 17 through 603 : 21. The choice of the desired color temperatures would be self-evident to one in the art.” (RIB at 108 (Lebens), 112 (Lys), 118 (Belliveau); RRB at 54-55 (same for Lebens), 58-59 (same for Lys); 64 (same for Belliveau).) This is not analysis of why a person of ordinary skill would be motivated to modify either the Lys '626 Patent, Lebens '661, or Belliveau '893 Patent. As discussed above, this simply amounts to pointing out that something was known in the art and arguing that this is obvious. This is insufficient to prove obviousness. *KSR*, 550 U.S. at 418 (“A patent composed of several elements is not proved obvious by merely demonstrating that each of its elements was, independently, known in the prior art.”); *Innogenetics, N.V.*, 512 F.3d at 1374 (holding that post-KSR “some kind of motivation must be shown from some source, so that the [fact finder] can understand why a

person of ordinary skill would have thought of either combining two or more references or modifying one to achieve the patented [invention].” (citation omitted.)

2. Objective Indicia of Nonobviousness

As indicated above, one of the *Graham* factors that must be considered in an obviousness analysis, is “objective evidence of nonobviousness,” also called “secondary considerations.” See *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1536 (Fed. Cir. 1983) (“Thus evidence arising out of the so-called ‘secondary considerations’ must always when present be considered en route to a determination of obviousness.”). However, secondary considerations, such as commercial success, will not always dislodge a determination of obviousness based on analysis of the prior art. See *KSR Int’l*, 127 S.Ct. at 1745 (commercial success did not alter conclusion of obviousness).

Although the ALJ finds that the Respondents have fallen far short in its presentation on the other factors for establishing obviousness, the ALJ will still address Litepanels evidence regarding secondary considerations – as the ALJ must. In this regard, Litepanels has contended that its Domestic Products have received industry praise and achieved commercial success. (CIB at 78-84) It also contends that its invention (1) satisfied a long felt but unresolved need (CIB at 74-75), (2) succeeded where others have failed (CIB at 76), (3) was initially met with skepticism (CIB at 76-77), (4) succeeded despite teaching away (CIB at 77-78), (5) was copied by others (CIB at 84-87), and (6) has been licensed by competitors (CIB at 84). The ALJ finds that the evidence has shown that Litepanels has proven these secondary considerations of nonobviousness, as discussed in detail below.

a) Industry Praise

Litepanels has received praise by others for its Domestic Products. In particular, the evidence shows that Litepanels has won at least 28 industry awards for its domestic products, specifically the MiniPlus, the 1x1, and the Micro products. (*Id.*, at pp. 99-105, CX-2000C at ¶ 609; CX-724; CX-817; CX-2060.) Of particular note, Litepanels Domestic Products have received two Emmys, one of which was given for “development so extensive an improvement on existing methods or so innovative in nature that they materially affect the transmission, recording or reception of television.” (CPX-107; CX-1; CX-818, CX-2000 at ¶ 620-623.) The record shows that this is the first time that an Emmy was awarded for lighting equipment. (CX-2000C, ¶ 623.)

The evidence further shows that the first awards were from 2002-2005, shortly after the MiniPlus products were launched. (CX-209C at ¶ 609.) The evidence additionally has shown that this praise can be linked to the features claimed in the asserted patents. *See, e.g., Power-One, Inc. v. Artesyn Technologies, Inc.*, 599 F.3d 1343, 1352 (Fed. Cir. 2010); *Crocs, Inc. v. Int’l Trade Comm’n*, 598 F.3d 1294, 1311 (Fed. Cir. 2010) (“This court gives even more credit to the administrative judge’s finding of substantial industry praise for the claimed invention and the products covered by the claimed invention. ... In the absence of any record evidence attributing these secondary considerations to causes other than the claimed invention, Crocs may rely on this added support for non-obviousness.”). Here, the evidence shows that the MiniPlus, 1x1, and Micro products all practice the claims of the asserted patents. The Respondents have not shown that any of these awards were given for some other feature that was not related to the asserted patents. Accordingly, the evidence has shown that Litepanels’s patented products have received substantial industry praise.

b) Commercial Success

The evidence has further shown that the asserted patents are commercially successful. Shortly after the introduction of its Domestic Products, Litepanels sales “boomed.” Between July 2005 and May 2011, [REDACTED] [REDACTED]. (CX-330C-331C, CX-82C, CX2000C at ¶ 607.)

Although sales alone are generally insufficient to prove commercial success, it may be appropriate in certain contexts. *Tec Air, Inc. v. Denso Mfg. Michigan Inc.*, 192 F.3d 1353, 1360–61 (Fed. Cir. 1999) (evidence of sales of two million devices per month incorporating patented technology supported non-obviousness finding). The ALJ finds that the evidence has shown, that here, such a finding is appropriate.

In particular, the evidence shows that Litepanels created the market for LED photographic lighting devices. (CX-1955C, Q&A 322-323.) Specifically, Litepanels began selling LED photographic lighting devices in 2003. (*Id.* at Q&A 187.) When the inventors first showed the MiniPlus at the NAB trade show (the annual trade show for the National Association of Broadcasters), their booth was “jammed with people 15 deep all week.” (*Id.* at Q&A 201.) At the end of the show, the Mini Plus received the Vangaurd Award for being the “first affordable, on camera fill light for digital video.” (*Id.* at Q&A 204-205.) Thus, from the very beginning, Litepanels’s Domestic Products have been successful and well regarded in the industry.

In addition, the evidence further shows that in 2007, Litepanels experienced such a high demand for its products that it had to notify dealers that its orders were backlogged. (CX-2075C at Q&A 585; CX-330.)

Litepanels also contends that the numerous licenses for its patents also demonstrate commercial success. (CX-30C, CX-93C, and CX2000C at ¶ 606.) The record does not show, however, that these licenses were obtained because of the strength of the patents as opposed to

the desire to avoid litigation. (Tr. 709:18-710:6.) Accordingly, these licenses do not support a finding of commercial success, although the ALJ finds that the evidence shows that such a finding is warranted based on the other facts discussed above.

c) Long Felt Need/Recognition of Problem

The ALJ finds that the evidence also shows that the patents solved a long-felt need in the film and photography industries. (CX-2075C at Q&A 526-542.) The ALJ further finds that the evidence shows a number of problems with the prior art devices. First, the prior art lighting used for films and photography generated an excessive amount of heat and, thus, the lights had to be placed some distance away from the subject being filmed or photographed. (*Id.*; CX-529.) Second, the prior art devices were also “large, unwieldy, and fragile.” (CX-2075C at Q&A 531.) Third, there were no battery-operated, camera-mountable lighting devices that could overcome the issues associated with tungsten and fluorescent lighting devices. (*Id.*; CX-105C.) Fourth, the fluorescent lights that were used flickered and would not result in a satisfactory television or video image. (*Id.* at Q&A 537; CX-2061.) Finally, the prior art tungsten devices could not be dimmed without changing the color temperature, which also resulted in an unsatisfactory image. (*Id.* at Q&A 541, CX-2061.)

The ALJ finds that Litepanels solved this problem by replacing the prior art lighting devices with white LEDs which emit very little heat and allowed the lights to be placed closer to the person being filmed or photographed. (*Id.* at Q&A 543; CX-730; CX-736.) Additionally, the white LEDs reduced the amount of energy and costs associated with lighting in the film and photography industries. (*Id.* at Q&A 543.) Based on the above, the ALJ finds that the record evidence shows that the claimed invention fulfilled a long felt need in the industry.

d) Failure of Others/Skepticism

The ALJ finds that the record shows at the time of the invention many persons skilled in the art were skeptical of the use of white LEDs in film and television. (CX-2075C, Q&A 554-569; CX-2000C at ¶ 590-95, CX-812, CX-813, CX-814, CX-819.) Indeed, even as late as 2004, experts in the field did not believe white LEDs were suitable for entertainment lighting, such as film and television. (*Id.*) Moreover, many major lighting manufacturers continued to focus on incandescent lights, despite being aware of the use of LED lights. (CX-2075C at Q&A 562-569); *see also Vulcan Eng'g Co., Inc. v. Fata Aluminium, Inc.*, 278 F.3d 1366, 1373 (Fed. Cir. 2002) (“The record shows contemporaneous recognition of the achievements of the Vulcan system, including articles in trade journals and testimony of witnesses concerning the belief in the engineering community that the lost foam process could not be effectively mechanized as a continuous on-line process. Appreciation by contemporaries skilled in the field of the invention is a useful indicator of whether the invention would have been obvious to such persons at the time it was made.”). Thus, the ALJ finds that the record shows a disbelief expressed by others that at the time of the invention that LEDs would not be useful to light subjects in the film and television industries.

e) Teaching Away by Others

Litepanels contends that there was a general assumption at the time of the invention that white LEDs would not work well for lighting subjects because of their discontinuous spectrum. (CX-2075C at Q&A 570-577; CX-819; CX-2010; CX-2011.) Additionally, the ALJ finds that the evidence shows that major lamp manufacturers chose to invest in improved fluorescent light systems instead of LEDs. (*Id.*) The ALJ notes that the Respondents have not presented any evidence rebutting these statements. Thus, the evidence shows that although others did not believe LEDs would be useful for lighting in film and television, Litepanels decided to use them

despite this disbelief. *In re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986) (“[P]roceeding contrary to the accepted wisdom ... is ‘strong evidence of unobviousness.’”). Thus, the ALJ finds that the evidence shows a teaching away of the claimed invention.

f) Copying by Competitors

The ALJ finds that the record shows that products currently on the market look identical to Litepanels Domestic Products. (CX-2075, Q&A 615-620. CX-105C, at 112:16-19; 114:2-10; CX-745, CX-2000C at ¶ 626.) Additionally, Respondents refer to their own products by the names of Litepanels’s own products. (CX-171, CX-2000C at ¶ 627.) In addition, the record shows that many of the imported products are “virtual copies of Litepanels’s products.” (CX-2075, Q&A 615; CX-617.) Accordingly, the evidence has shown copying by others.

In sum, the ALJ finds that the record contains clear evidence of secondary considerations of obviousness.

3. Summary with Respect to Obviousness

In sum, the ALJ finds that there is an entire lack of any evidence to show a motivation to combine any of the asserted references with any other references to form the claimed inventions. Moreover, the ALJ finds that Litepanels has demonstrated secondary considerations of nonobviousness that further weigh against a finding of obviousness. Accordingly, the ALJ finds that the Respondents have failed to prove that the asserted claims of the asserted patents are invalid as obvious.

E. Prior Public Use

Respondents argue that the asserted claims of the asserted patents are invalid based on an alleged prior public use of the claimed invention by several of the named inventors [REDACTED] [REDACTED] more than one year prior to the earliest filing date of the parent ’310

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Patent. However, as Respondents and Staff correctly note this argument was waived because it was not raised in Respondents pre-hearing briefs. (See Ground Rule 8.1(f).) Thus, the ALJ finds that the defense was waived and cannot be asserted.

Moreover, even if the defense was preserved Respondents have failed to carry their burden of proving by clear and convincing evidence that there was a public use of the invention before the critical date (September 7, 2000). Respondents' efforts fall short in two important areas. First, they fail to establish when the public use occurred. Second, they fail to establish what was even tested [REDACTED].

As for the date, Respondents offer no evidence of when [REDACTED]. [REDACTED]. Instead, Respondents attempt to construct a timeline based on information regarding the development work conducted by a contractor hired by the named inventors named [REDACTED]. Respondents argue that [REDACTED] [REDACTED] [REDACTED] [REDACTED] (RIB at 134.)

Respondents also assert that [REDACTED]. (RIB at 134.) Because the device tested [REDACTED] was allegedly [REDACTED], Respondents hypothesize that the alleged test must have occurred "between July 22, 1999 and October 23, 1999." (RIB at 135.) Indeed, Respondents cannot even offer a consistent time period of when the alleged public use occurred. Later in their brief, Respondents abandon the July to October time frame and argue that "[h]ad the inventors been in possession of [REDACTED] [REDACTED] prototype at the time of [REDACTED], Mr. Grosswendt would have used it, rather than [REDACTED]. Thus, December 20, 1999 establishes

the latest possible date for [REDACTED].” (RIB at 137.) This simply cannot establish by clear and convincing evidence that the alleged use occurred before September 7, 2000. Respondents only trace the development timeline and guess when events based on unsupported assumptions about what the inventors would have tested and what they were doing. Without additional facts establishing when [REDACTED] actually occurred, there is no way of knowing when the use occurred.

As for what was tested, while there is some testimony that it was [REDACTED], there is no evidence about what the device actually was. Respondents offer some evidence of other prototypes and some drawings of early designs, but this cannot establish by clear and convincing evidence what was tested on [REDACTED]. Without more evidence tying the physical exhibits and drawings to the actual prototype that was tested on [REDACTED], this evidence cannot suffice to meet the clear and convincing evidence standard.

F. Best Mode¹⁰

Section 112, ¶ 1 of Title 35 of the United States Code sets out the best mode requirement, stating in relevant part that “[t]he specification shall contain . . . and shall set forth the best mode contemplated by the inventor of carrying out the invention.” 35 U.S.C. § 112 ¶ 1. The Court of Appeals for the Federal Circuit has held that “[t]he purpose of the best mode requirement is to ensure that the public, in exchange for the rights given the inventor under the patent laws, obtains from the inventor a full disclosure of the preferred embodiment of the invention.” *Dana Corp. v. IPC Ltd. Partnership*, 860 F.2d 415, 418 (Fed. Cir. 1988), *cert. denied*, 490 U.S. 1067 (1989).

¹⁰ The ALJ notes that the Leahy-Smith American Invents Act, which was enacted on September 16, 2011, removes best mode as an affirmative defense to patent infringement. However, this provision only applies to proceedings commenced on or after its enactment, thus best mode is still available an affirmative defense in this investigation. See Leahy-Smith America Invents Act, Pub. L. No. 112-29, § 15(a)(3)(A) (2011) (explaining that the failure to disclose the best mode “shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable”).

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The determination of whether the best mode requirement is satisfied is a question of fact, which must be proven by clear and convincing evidence. *Transco Products Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 559-60 (Fed. Cir. 1994).

In determining compliance with the best mode requirement, two inquiries are undertaken. The first inquiry is whether, at the time of filing the patent application, the inventor possessed a best mode of practicing the invention. *Eli Lilly and Co. v. Barr Laboratories, Inc.*, 251 F.3d 955, 963 (Fed. Cir. 2001); *see also Liquid Dynamics Corp. v. Vaughan Co., Inc.*, 449 F.3d 1209, 1223 (Fed. Cir. 2006); *Spectra-Physics, Inc. v. Coherent, Inc.*, 827 F.2d 1524, 1535 (Fed. Cir. 1987) (The specificity of disclosure necessary to meet the best mode requirement is determined “by the knowledge of facts within the possession of the inventor at the time of filing of the application.”). This first inquiry is subjective and focuses on the inventor’s state of mind at the time the patent application was filed. *Eli Lilly*, 251 F.3d at 963. The second inquiry is, if the inventor did possess the best mode, whether the inventor’s disclosure is adequate to enable one of ordinary skill in the art to practice the best mode of the invention. *Id.* This second inquiry is objective and depends on the scope of the claimed invention and the level of skill in the relevant art. *Id.*

The “contours of the best mode requirement are defined by the scope of the “claimed invention” and thus, the first task in any best mode analysis is to define the invention. *Northern Telecom Ltd. v. Samsung Electronics Co., Ltd.*, 215 F.3d 1281, 1286-87 (Fed. Cir. 2000). “The definition of the invention, like the interpretation of the patent claims, is a legal exercise, wherein the ordinary principles of claim construction apply.” *Id.* Once the invention is defined, the best mode inquiry moves to determining whether a best mode of carrying out that invention was held by the inventor. If so, that best mode must be disclosed. In *Pfizer, Inc. v. Teva Pharmaceuticals*

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USA, Inc., 518 F.3d 1353 (Fed. Cir. 2008), the Federal Circuit summarized its best mode jurisprudence as follows:

We held that the best mode requirement does demand disclosure of an inventor's preferred embodiment of the claimed invention. However, it is not limited to that. We have recognized that best mode requires inventors to disclose aspects of making or using the claimed invention [when] the undisclosed matter materially affects the properties of the claimed invention.

Pfizer, 518 F.3d at 1364 (internal quotations and citations omitted).

Respondents have utterly failed to prove by clear and convincing evidence that Litepanels failed to disclose the best mode for practicing its invention. The entirety of Respondents argument (case citations omitted) is:

Mr. Wood testified that

[REDACTED]

Wood, Tr. Q&A120. This was the Litepanels inventors' preferred mode for carrying out their claimed invention, and yet it is never mentioned in the Litepanels' specifications.

[REDACTED]

The Commission has previously ruled that such a "knowing omission of production details relating to the quality or nature of the claimed invention constitute[s] a best mode violation," and should do so again in this investigation.

(RIB at 127 (case citations omitted).)

The ALJ finds that this cursory discussion falls far short of meeting the clear and convincing evidence standard. Accordingly, Respondents have failed to prove Litepanels violated the best mode requirement.

In addition, there is substantial evidence that suggests that the best mode requirement was complied with or at least was not violated in this case. As Staff correctly notes, at least one of

the named inventors testified [REDACTED]

[REDACTED]. (Tr. 403:8-24.) Given the conflicting evidence of when the inventors [REDACTED], it is not clear that they even possessed this alleged best mode at the time of the patent filing. Also, as Staff points out, the patent specifications of all of the asserted patents disclose the avoidance of too much or too little of any color in the color spectrum in order to make appropriate white light. (See, e.g., JX-4 at 8:58-62 (“Most white LEDs have color spikes as well. These spikes of color combined with improper proportions of other wavelengths can render the colors of objects seen or photographed as incorrect or odd in hue.”).) Thus, there is evidence suggesting that the alleged best mode was arguably disclosed. Finally, there was evidence in the record suggesting that a person of ordinary skill would have known [REDACTED]

[REDACTED]. (Tr. 131:15-17; CX-1971C at Q&A 67, 101.) Such routine details do not need to be disclosed under the best mode requirement. See *Liquid Dynamics Corp. v. Vaughan Co.*, 449 F.3d 1209, 1223 (Fed. Cir. 2006) (“The best mode requirement does not require the disclosure of ‘routine details’ that would be apparent to one of ordinary skill in the art practicing the invention.” (citation omitted)). Accordingly, this evidence creates further questions that at the very least demonstrate that Respondents have failed to meet the clear and convincing standard of proof.

G. Indefiniteness

Respondents contend that the asserted claims would be invalid as indefinite if the ALJ adapted Litepanels’s construction for the term “proper illumination.” As set forth *supra*, in Section IV.C.1, *supra*, the ALJ has determined that the preamble is not limiting and in the

alternative that Litepanels's construction should be rejected even if the preamble was limiting. Accordingly, the ALJ finds that the claims are not indefinite. (*See* Section IV.C.1, *supra*.)

H. Inequitable Conduct

As Staff and Litepanels discuss, Respondents, in their pre-hearing brief, alleged Litepanels committed inequitable conduct in failing to name an individual named [REDACTED] as an inventor on all of the asserted patents. However, neither of Respondents' post-hearing briefs contain any evidence or argument regarding this contention. As such, the ALJ deems the defense waived. (*See* Ground Rule 11.1)

VII. DOMESTIC INDUSTRY

A. Applicable Law

As stated in the notice of investigation, a determination must be made as to whether an industry in the United States exists as required by subsection (a)(2) of section 337. Section 337 declares unlawful the importation, the sale for importation or the sale in the United States after importation of articles that infringe a valid and enforceable U.S. patent only if an industry in the United States, relating to articles protected by the patent . . . concerned, exists or is in the process of being established. There is no requirement that the domestic industry be based on the same claim or claims alleged to be infringed. 19 U.S.C. § 1337(a)(2).

The domestic industry requirement consists of both an economic prong (*i.e.*, there must be an industry in the United States) and a technical prong (*i.e.*, that industry must relate to articles protected by the patent at issue). *See Certain Ammonium Octamolybdate Isomers*, Inv. No. 337-TA-477, Comm'n Op. at 55, USITC Pub. 3668 (January 2004). The complainant bears the burden of proving the existence of a domestic industry. *Certain Methods of Making*

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Carbonated Candy Products, Inv. No. 337-TA-292, Comm'n Op. at 34-35, USITC Pub. 2390 (June 1991).

Thus, in this investigation Litepanels must show that it satisfies both the technical and economic prongs of the domestic industry requirement with respect to the '823, '652 and '022 Patents. As noted, and as explained below, it is found that these domestic industry requirements have been satisfied for all three patents.

A complainant in a patent-based Section 337 investigation must demonstrate that it is practicing or exploiting the patents at issue. See 19 U.S.C. § 1337(a)(2) and (3); also see *Certain Microsphere Adhesives, Process for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes*, Inv. No. 337-TA-366, Comm'n Op. at 8 (U.S.I.T.C., January 16, 1996) ("*Certain Microsphere Adhesives*"), *aff'd sub nom. Minn. Mining & Mfg. Co. v. U.S. Int'l Trade Comm'n*, 91 F.3d 171 (Fed. Cir. 1996) (Table); *Certain Encapsulated Circuits*, Comm'n Op. at 16. The complainant, however, is not required to show that it practices any of the claims asserted to be infringed, as long as it can establish that it practices at least one claim of the asserted patent. *Certain Point of Sale Terminals and Components Thereof*, Inv. No. 337-TA-524, Order No. 40 (April 11, 2005). Fulfillment of this so-called "technical prong" of the domestic industry requirement is not determined by a rigid formula, but rather by the articles of commerce and the realities of the marketplace. *Certain Diltiazem Hydrochloride and Diltiazem Preparations*, Inv. No. 337-TA-349, U.S.I.T.C. Pub. No. 2902, Initial Determination at 138, (U.S.I.T.C., February 1, 1995) (unreviewed in relevant part) ("*Certain Diltiazem*"); *Certain Double-Sided Floppy Disk Drives and Components Thereof*, Inv. No. 337-TA-215, 227 U.S.P.Q. 982, 989 (Comm'n Op. 1985) ("*Certain Floppy Disk Drives*").

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The test for claim coverage for the purposes of the technical prong of the domestic industry requirement is the same as that for infringement. *Certain Doxorubicin and Preparations Containing Same*, Inv. No. 337-TA-300, Initial Determination at 109 (U.S.I.T.C., May 21, 1990) (“*Certain Doxorubicin*”), *aff’d*, Views of the Commission at 22 (October 31, 1990). “First, the claims of the patent are construed. Second, the complainant’s article or process is examined to determine whether it falls within the scope of the claims.” (*Id.*) As with infringement, the first step of claim construction is a question of law, whereas the second step of comparing the article to the claims is a factual determination. *Markman*, 52 F.3d at 976. The technical prong of the domestic industry can be satisfied either literally or under the doctrine of equivalents. *Certain Excimer Laser Systems for Vision Correction Surgery and Components Thereof and Methods for Performing Such Surgery*, Inv. No. 337-TA-419, Order No. 43 (July 30, 1999). The patentee must establish by a preponderance of the evidence that the domestic product practices one or more claims of the patent. *See Bayer*, 212 F.3d at 1247.

The economic prong of the domestic industry requirement is defined in subsection 337(a)(3) as follows:

(3) For purposes of paragraph (2), an industry in the United States shall be considered to exist if there is in the United States, with respect to the articles protected by the patent, copyright, trademark or mask work concerned –

- (A) Significant investment in plant and equipment;
- (B) Significant employment of labor or capital; or
- (C) Substantial investment in its exploitation, including engineering, research and development, or licensing.

19 U.S.C. § 1337(a)(3).

The economic prong of the domestic industry requirement is satisfied by meeting the criteria of any one of the three factors listed above. As discussed above, the ALJ previously

determined that Litepanels satisfies the economic prong of the domestic industry requirement. See Order No. 22.

B. Technical Prong

The evidence shows that Litepanels has met the technical prong of the domestic industry requirement. The domestic industry products that Litepanels relies upon are the MiniPlus, Micro, and Croma Series lighting devices, which practice claim 1 of the '652 Patent, claim 1 of the '022 Patent, and claim 17 of the '823 Patent, and on the 1x1 Series lighting devices, which practice claim 1 of the '652 Patent and claim 1 of the '022 Patent. (CIB at 19.)

Respondents do not dispute that Litepanels has satisfied the technical prong of the domestic industry requirement. (RIB at 149.) Similarly, Staff does not dispute that Litepanels has satisfied the technical prong of the domestic industry requirement. (SIB at 40-41; 83; 101.)

1. The '823 Patent

The evidence shows that each model of Litepanels's Mini, Micro, and Croma-series products each practice at least one claim of the '823 Patent, namely claim 1 of the '823 Patent. The ALJ is limiting his analysis to Litepanels's Micro. *Certain Microsphere Adhesives*, Inv. No. 337-TA-366, Comm'n Op. at 16 (January 16, 1996) (holding that a domestic industry need not be found for each patent claim asserted and there only need be one claim of the asserted patent for which there is a domestic industry). Nevertheless, the evidence shows that each of the domestic industry products meets each and every claim limitation of claim 1. (CX-1971C at Q&A 492-536; CX-213; CX-1993C.)

a) “An illumination system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a lightweight, portable frame having a panel including a mounting surface”

As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1.)

The evidence shows that the Micro practices this element of Claim 17 of the ‘823 Patent. (CX-1971C at Q&A 497-499.) The Micro comprises a portable frame having a panel including a mounting surface that includes a lightweight frame made up of a rigid casing that surrounds and protects its internal elements, and that this frame has a panel which in turn includes a circuit board as a mounting surface. (*Id.*; CX-213; CPX-97.)

b) “a plurality of semiconductor light elements disposed on said mounting surface”

The evidence shows that the Micro practice this element of Claim 17 of the ‘823 Patent. The evidence shows that the Micro has a plurality of semiconductor light elements (LEDs) disposed on its mounting surface. (CX-1971C at Q&A 500-503| CX-213; CX-1993C.) These semiconductor light elements are mounted directly on the circuit board that comprises the mounting surface of the Micro. (*Id.*)

c) “an integrated power source contained within or secured to said portable frame”

The evidence shows that the Micro practices this element of Claim 17 of the ‘823 Patent. The Micro includes an integrated power source in the form of a self-contained battery unit that is secured to the portable frame of the Litepanels Micro. (CX-1971C at Q&A 504-506; CX-213.)

d) “wherein said portable frame is adapted for being securably[sic] attached to and readily disengaged from a moveable camera

apparatus such that, when mounted, said portable frame follows movements of the moveable camera apparatus”

The Micro practices this element of Claim 17 of the ‘823 Patent. The portable frame of the Litepanels Micro is adapted for being securable attached to and readily disengaged from a moveable camera apparatus such that, when mounted, said portable frame follows movements of the moveable camera apparatus. (CX-1971C at Q&A 507-509.) The evidence shows that the Micro is able to be attached to a video or still camera via the camera’s hot shoe mount in a manner that is secure, but may still be readily disengaged. (*Id.*; CX-213) When mounted, the frame of the Litepanels Micro moves with the camera. (*Id.*; CX-213.)

2. The ‘652 Patent

The evidence shows that each model of Litepanels’s Mini, Micro, 1X1 and Croma-series products each practice at least one claim of the ‘652 Patent, namely claim 1 of the ‘652 Patent. The ALJ is limiting his analysis to Litepanels’s 1X1 Daylight Flood. *Certain Microsphere Adhesives*, Inv. No. 337-TA-366, Comm’n Op. at 16 (January 16, 1996). Nevertheless, the evidence shows that each of the domestic industry products meets each and every claim limitation of claim 1. (CX-1971C at Q&A 430-491; CX-213; CX-1993C.)

a) “A lighting system suitable to provide proper illumination for lighting of a subject in film or video, comprising: a portable frame having a panel including a mounting surface;”

As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1)

The evidence shows that the 1X1 Daylight Flood comprises a portable frame having a panel including a mounting surface (CX-1971C at Q&A 434-436; CX-213). The 1X1 Daylight Flood includes a lightweight frame made up of a rigid casing that surrounds and protects its

internal elements and has a panel which in turn includes a circuit board as a mounting surface. (*Id.*; CX-213; CPX-90.)

b) “a plurality of semiconductor light elements disposed on said mounting surface, said semiconductor light elements emitting light within a color temperature range suitable for image capture, at least one of said semiconductor light elements emitting light in a daylight or tungsten color temperature range”

The evidence shows that the 1X1 Daylight Flood practices this element of Claim 1 of the ‘652 Patent. The evidence shows that there is a plurality of semiconductor light elements (LEDs) disposed on the mounting surface of the 1x1 Daylight Flood. (CX-1971C at Q&A 437-440.) These semiconductor light elements are mounted directly on the circuit board that comprises the mounting surface of the Litepanels 1x1 Daylight Flood. (*Id.*) The evidence shows that these LEDs emit light at a color temperature of 4715 K, which is in the daylight range and is suitable for image capture for the reasons discussed above. (*Id.*; CX-213; 1993C.)

c) “a focusing element for adjusting the focus and/or direction of the light emitted by said semiconductor light elements”

The evidence shows that the 1X1 Daylight Flood practices this element of Claim 1 of the ‘652 Patent. The 1x1 Daylight Flood’s LEDs include a focusing element in the form of an integrated primary optic lens included as a component within the body of the LED. (CX-1971C at Q&A 441-443.) That focusing element is used for adjusting the focus of the LED by directing the light it emits into a desired beam angle. (*Id.*; CX-213.)

d) “wherein said portable frame is adapted for being mounted to and readily disengaged from a stand”

The evidence shows that the 1X1 Daylight Flood practices this element of Claim 1 of the ‘652 Patent. The 1x1 Daylight Flood is able to be attached to a stand in a manner that is non-

permanent and may be easily detached via an industry standard connector on the bottom of the frame. (CX-1971C at Q&A 444-446; CX-213.)

3. The '022 Patent

The evidence shows that each model of Litepanels's Mini, Micro, 1X1 and Croma-series products each practice at least one claim of the '022 Patent, namely claim 1 of the '022 Patent. The ALJ is limiting his analysis to Litepanels' 1X1. *Certain Microsphere Adhesives*, Inv. No. 337-TA-366, Comm'n Op. at 16 (January 16, 1996). Nevertheless, the evidence shows that each of the domestic industry products meets each and every claim limitation of claim 1. (CX-1971C at Q&A 537-604; CX-213; CX-1993C.)

a) "An apparatus for illuminating a subject for film, photography or video, the apparatus comprising: a frame having a front"

As set forth *supra*, the ALJ found that the preamble was not limiting. (*See supra* Section IV.C.1)

The 1X1 series products practice this element of Claim 1 of the '022 Patent. The evidence shows that the 1X1 Daylight Flood includes a lightweight frame made up of a rigid casing that surrounds and protects the internal elements and the frame has a front. (CX-1971C at Q&A 542-544; CX-213; CPX-90.)

b) "a plurality of semiconductor light elements disposed on the front of the frame and configured to provide a continuous source of illumination, said semiconductor light elements having a color temperature suitable for image capture, at least one of said semiconductor light elements individually emitting light in a daylight color temperature range or a tungsten color temperature range"

The 1X1 series products practice this element of Claim 1 of the '022 Patent. There are a plurality of semiconductor light elements (LEDs) disposed on the mounting surface of the 1x1 Daylight Flood. (CX-1971C at Q&A 545-548; CX-213.) These semiconductor light elements are mounted directly on the circuit board that comprises the front of the frame of the 1x1 Daylight Flood. (*Id.*) The evidence shows that those LEDs emit light at a color temperature of 4715 K, which is in the daylight range. (*Id.*; CX-213; 1993C.)

c) “a dimmer whereby an illumination intensity of said semiconductor light elements may be user adjusted”

The 1X1 series products practice this element of Claim 1 of the '022 Patent. The dimmer of the 1x1 Daylight Flood is a circular knob on the frame which allows the a user of the 1x1 Daylight Flood to adjust the illumination intensity of the LEDs. (CX-1971C at Q&A 549-551; CX-213; 1993C.)

d) “wherein said frame is adapted for being mounted to and readily disengaged from a stand”

The 1X1 series products practice this element of Claim 1 of the '022 Patent. The 1x1 Daylight Flood is able to be attached to a stand in a manner that is non- permanent and may be easily detached via an industry standard connector on the bottom of the frame. (CX-1971C at Q&A 552-555; CX-213; 1993C.)

C. Economic Prong

On May 30, 2012, the ALJ issued an Initial Determination finding that Litepanels had satisfied the economic prong of domestic industry requirement. *See* Order No. 22 (May 30, 2012). On June 20, 2012, the Commission determined not to review the order. (*See* Notice Of Commission Determination Not To Review An Initial Determination Granting Complainants'

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Motion That They Have Met The Economic Prong Of The Domestic Industry Requirement (June 20, 2012).)

Having made the foregoing findings on whether the domestic industry requirement has been met, the ALJ finds that the disposition of this material issue satisfies Commission Rule 210.42(d). The ALJ's failure to discuss any matter raised by the parties, or any portion of the record, does not indicate that it has not been considered. Rather, any such matter(s) or portion(s) of the record has/have been deemed immaterial.

VIII. CONCLUSIONS OF LAW

1. The Commission has personal jurisdiction over the parties and subject-matter and *in rem* jurisdiction over the accused products.
2. The importation or sale requirement of section 337 is satisfied.
3. The accused products infringe the '823 Patent, the '652 Patent and the '022 Patent.
4. Claims 17 and 28 of the '823 Patent are invalid under 35 U.S.C. § 102 for anticipation.
5. The remaining asserted claims of the '823 Patent and the asserted claims of the '652 and the '022 Patents are not invalid under 35 U.S.C. § 102 for anticipation.
6. The asserted claims of the '823, '652 and the '022 Patents are not invalid under 35 U.S.C. § 103 for obviousness.
7. The asserted claims of the asserted patents are not invalid for a prior public use.
8. The asserted claims of the asserted patents are not invalid for failing to meet the indefiniteness or best mode requirement.
9. The technical prong of the domestic industry requirement for all of the asserted patents has been satisfied.
10. It has been established that a violation exists of section 337 for claim 19 of the '823 Patent and for the asserted claims of the '652 and the '022 Patent.
11. It has not been established that a violation exists of section 337 for claims 17 and 28 of the '823 Patent.

IX. INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is the INITIAL DETERMINATION of this ALJ that a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or of claims 1, 57-58, and 60 of U.S. Patent No. 7,972,022; claims 1, 2, 5, 16, 18-19, 25 and 27 of U.S. Patent No. 7,318,652; and claim 19 of U.S. Patent No. 6,948, 823. It is held that no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe claims 17 and 28 of U.S. Patent No. 6,948,823.

Further, this Initial Determination, together with the record of the hearing in this investigation consisting of:

- (1) the transcript of the hearing, with appropriate corrections as may hereafter be ordered, and
- (2) the exhibits received into evidence in this investigation, as listed in the attached exhibit lists in Appendix A,

are CERTIFIED to the Commission. In accordance with 19 C.F.R. § 210.39(c), all material found to be confidential by the undersigned under 19 C.F.R. § 210.5 is to be given *in camera* treatment.

The Secretary shall serve a public version of this ID upon all parties of record and the confidential version upon counsel who are signatories to the Protective Order (Order No. 1.) issued in this investigation, and upon the Commission investigative attorney.

RECOMMENDED DETERMINATION ON REMEDY AND BOND

I. Remedy and Bonding

The Commission's Rules provide that subsequent to an initial determination on the question of violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, the administrative law judge shall issue a recommended determination containing findings of fact and recommendations concerning: (1) the appropriate remedy in the event that the Commission finds a violation of section 337, and (2) the amount of bond to be posted by respondents during Presidential review of Commission action under section 337(j). *See* 19 C.F.R. § 210.42(a)(1)(ii).

A. General Exclusion Order

Under Section 337(d), the Commission may issue either a limited or a general exclusion order. A limited exclusion order instructs the U.S. Customs and Border Protection ("CBP") to exclude from entry all articles that are covered by the patent at issue and that originate from a named respondent in the investigation. A general exclusion order instructs the CBP to exclude from entry all articles that are covered by the patent at issue, without regard to source.

A general exclusion order may issue in cases where (a) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion order limited to products of named respondents; or (b) there is a widespread pattern of violation of Section 337 and it is difficult to identify the source of infringing products. 19 U.S.C. § 1337(d)(2). The statute essentially codifies Commission practice under *Certain Airless Paint Spray Pumps and Components Thereof*, Inv. No. 337-TA-90, Commission Opinion at 18-19, USITC Pub. 119 (Nov. 1981) ("Spray Pumps"). *See Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing the Same*, Inv. No. 337-TA-372 ("Magnets"), Commission Opinion on Remedy, the

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Public Interest and Bonding at 5 (USITC Pub. 2964 (1996)) (statutory standards “do not differ significantly” from the standards set forth in *Spray Pumps*). In *Magnets*, the Commission confirmed that there are two requirements for a general exclusion order: a “widespread pattern of unauthorized use;” and “certain business conditions from which one might reasonably infer that foreign manufacturers other than the respondents to the investigation may attempt to enter the U.S. market with infringing articles.” The focus now is primarily on the statutory language itself and not an analysis of the *Spray Pump* factors. *Ground Fault Circuit Interrupters and Products Containing Same*, Inv. No. 337-TA-615, Comm’n Op. at 25 (March 9, 2009); *Hydraulic Excavators and Components Thereof*, Inv. No. 337-TA-582, Comm’n Op. at 16-17 (January 21, 2009).

1. The Parties’ Arguments and Recommendation Regarding Briefing Before the Commission

Litepanels argues that it is entitled to a general exclusion order. (CIB at 128-149.) Staff agrees that, if the patents are determined to be valid and infringed, a general exclusion order is appropriate. (SIB at 114-120.)

Respondents only argue that Litepanels is not entitled to a cease and desist order against any Fotodiox or Prompter People Respondents. (RIB at 149; RRB at 74.) Respondents make no arguments relating to the general exclusion order, limited exclusion order, or bonding. The ALJ has never had an investigation where respondents’ post-hearing brief was completely devoid of any response or arguments relating to a complainant’s request for a general exclusion order. While the lack of any arguments by Respondents would be considered a waiver of any arguments related thereto under the ALJ’s Ground Rules,¹¹ the ALJ is aware that such a waiver

¹¹ See Ground Rules 11.1 and 11.5 (deeming those issues not raised in the post-hearing briefs to be waived).

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may not necessarily be applicable to issues in the RD and that the Commission may not deem any such arguments waived since the findings contained herein are only recommendations and the Commission has traditionally requested additional briefing relating to remedy and bonding. While the Commission may request additional briefing from the parties in this investigation regarding the requested remedies, the ALJ believes that it would be fundamentally unfair to allow Respondents to argue against a general exclusion order and/or the bond rate when they made the conscious decision not to address the issues in either their initial or their reply post hearing brief. This would not only allow Respondents the advantage of “seeing the other player’s hand,” but it would also allow the Respondents to, in effect, circumvent the page limitations set by the ALJ in their briefs, *i.e.*, dedicating more pages to violation of Section 337 by avoiding addressing remedy and saving any arguments for remedy for the briefs before the Commission. Indeed, Litepanels and Staff devoted a significant number of pages of their initial post hearing briefs to discussing remedy and, consequently, had fewer pages to devote to their Section 337 violation arguments.

More importantly, allowing Respondents to make any arguments relating to remedy for the first time before the Commission would essentially eviscerate the purpose of the recommended determination. Commission Rule 210.42(a)(ii) directs the ALJ to make a recommended determination based on findings of fact as to the appropriate remedy and the bond amount. 19 C.F.R. § 210.42(a)(ii). The “recommended determination” would be incomplete (at best) and meaningless (at worst) since there would, in fact, be no “determination” as one side’s entire argument would remain unknown until a later date and any findings would be

incomplete.¹² The Commission Rules require the ALJ to make a recommended determination on remedy and bond amount and, in order to effectively complete that task, the ALJ (as well as the other parties and Staff) should have a complete understanding of all of the parties' arguments.

The ALJ recommends that Respondents' briefing on remedy and bond be limited to those arguments made during post-hearing briefing, namely whether Litepanels is entitled to a cease and desist order. While this may appear to be severe, the ALJ is wary of beginning down a slippery slope. Allowing Respondents in this investigation to present their remedy arguments for the first time before the Commission and not presenting any arguments to the ALJ opens the door to allowing the same in other investigations. This would further erode any meaningful and/or effective recommended determination from the administrative law judges.

2. Prevention of Circumvention (Section 337(d)(2)(A))

A general exclusion order is appropriate when necessary to prevent circumvention of a limited exclusion order. 19 U.S.C. § 1332(d)(2)(A). The evidence shows that a general exclusion order is necessary to prevent circumvention of a limited exclusion order. To make such a showing, a complainant must present evidence of intent to circumvent an order by showing for example, a history of dishonest or evasive acts for the purpose of avoiding detection or actual circumvention of a limited exclusion order. *See, e.g., Certain Cigarettes and Packaging Thereof*, Inv. No. 337-TA-643, Order No. 23 at 4-5; (March 25, 2009); *Certain Sildenafil or Any Pharmaceutically Acceptable Salt Thereof, Such as Sildenafil Citrate, and Products Containing Same*, Inv. No. 337-TA-489, Comm'n Op. at 7 (July 26, 2004). Further, an evidentiary record that reveals that respondents have, or are capable of, changing names,

¹² The ALJ notes that this circumstance is different from those instances where all remaining respondents were found to be in default and/or where respondents concede to complainant's arguments relating to remedy. In this instance, Respondents have actively participated in this investigation but have specifically chosen not to address all of the remedy issues raised.

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facilities, or corporate structure to avoid detection would, as another example, be relevant to an inquiry under Section 337(d)(2)(A).

Here, the evidence shows that distributors, retailers, and/or manufacturers of the infringing goods have engaged in the kind of purposeful evasive activity that would support a finding of circumvention under Section 337(d)(2)(A):

- Stellar’s representative stated that [REDACTED] [REDACTED]. (CX-102C 116:17-117:14, 139:22-140:3; CX-1691 at LP_ITC-0161148; CX-1971C at Q&A 418-CX-419; CX-777);
- Respondents’ products are identical and share the same manufacturer, but are branded differently for distribution and sale, *e.g.* [REDACTED] [REDACTED]. (CX-1971, Q&A 621, CX-209; CX-212);
- Entities can easily rebrand and there are few barriers for doing so. (CX-1971C, Q&A 395, 402-409; CX-716-717; CX-709-711; CX-743-CX-744);
- Mr. Harooni, the owner of Stellar Lighting, has testified that [REDACTED] [REDACTED] (CX-1691 at LP_ITC-0161156; CX-1974C at Q&A 334);
- Mr. Harooni has stated that a limited exclusion order would likely be ineffective in the present circumstances of this Investigation because a limited exclusion order would close off the U.S. market only to a handful of companies and leave the market open to “literally hundreds of [other] Chinese manufacturers of LED lighting systems.” He further emphasized the emergence of many manufacturers in India, Vietnam, and other developing nations, stating that there are at least 500 manufacturers of LED lighting systems globally. (CX-1971C at Q&A 334-345, 418-419; CX-777; CX-74; CX-1974C at Q&A 306- 315);
- During the course of a prior patent litigation against [REDACTED] [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
(CX-99C at 140:4-141:10, 141:21-142:12, 142:16-144:6, 182:16-83:11;
CX-230C at 106; CX-1971C at Q&A 412);
- Respondent Nanguang has recently applied for a trademark registration under the brand name “LEDGO” and has sold photographic lighting devices under that name, which show the Nanguang stylized “G” logos, although LEDGO is identified as the manufacturer in public documents. (CX-1971C at Q&A 407-409; CX-743; *see also* CPX-76); and
- [REDACTED]

Thus, based on at least the above facts, the evidence shows a high likelihood of circumvention of a limited exclusion order.

3. Pattern of Violation and Difficulty of Identifying the Source (Section 337 (d)(2)(B))

The second statutory factor of Section 337(d)(2)(B) focuses on whether there is a (1) pattern of violation and (2) a difficulty in identifying the source of the patented invention. 19 U.S.C. § 1337(d)(2)(B).

a) Widespread Pattern of Violation

Litepanels has presented sufficient evidence to show a widespread pattern of violation. Specifically, the evidence has shown at least the following:

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- According to a letter written by one of the Respondents to Secretary Holbein, if the Respondents were subject to a limited exclusion order, it would leave the market wide open to “literally hundreds of Chinese manufacturers of LED lighting systems.” (CX-777);
- Respondent Stellar’s owner testified that [REDACTED] (CX-102C at 146:1-3);
- A recent search on the internet revealed that Respondents and a number of other entities offered over 2,000 potentially infringing products for sale. (CX-1974C at Q&A 305-330, 332; CX-1528-1622; CX-1971C at Q&A 318, 340-42; CX-4-29; CX-707-713; CX-716-718; CX-723; CX-741; CX-743-744; CX-746; CX-781; CX-785; CX-1337-1386; CX-1392-1475; CX-1528-1689; CX-1715-1722; CX-1730; CX-1732-1744; CX-1747-1778; CX-1780-1781; CX-1784-1808; CX-102C at 54:2-12, CX-99C at 155:9-12, CX-105C at 86:18-24 and CX-617);
- There are at least 60 Asian LED lighting manufacturers with potentially infringing products that are actively conducting, or seeking to conduct, business with retail and wholesale customers in the U.S. (CX-1971C at Q&A 332.) International manufacturing sources are geographically diverse, including companies located in China, Indonesia, Korea, Canada, and Mexico. (CX-102C at 133:15-18.);
- Respondents copy Litepanels’s products and refer to their own products by Litepanels’s product names, e.g., Nanguang uses the term “1X1” for its own CN-600H product . (CX-2075C at Q&A 619-620; CX-100C at 94:5-97:7; CX-171; CX-634; CX-1995; CX-102C at 62:3-15; CX-100C at 24:13-16; *see also* CX-634; CX-1995.) Respondents Yuyao Lishuai, Yuyao Fotodiox, and Fotodiox, Inc. also sell copies of Litepanels products, e.g., the LED1000 and LED 120A. (CX-650; CX-1995; CX-646; CX-783.);
- The Respondents terminated by consent order (Visio and Elation), those soon to be terminated by consent order (F&V and Nanguang), and defaulted (Tianjin Wuqing Huanyu Film and TV Equipment Factory) have imported, sold for importation, or sold after importation articles that infringe the Asserted Patents. (CX-1971C at Q&A 900, 962, 1338, 1585; *see also supra* Section I.A.)

Thus, the evidence shows that there is a widespread pattern of violation.

b) Business Conditions

The market conditions also suggest that foreign exporters and domestic importers other than the former and current respondents might attempt to enter the U.S. market with infringing articles. *Cigarettes* at pp. 6-7 (March 18, 2009). The evidence shows that there are low barriers to entry.

- The evidence shows that the initial capital investment required to start an LED photographic lighting manufacturing facility would be modest because the assembly of LED photographic lighting devices is simple, and does not require automated processes. (CX-101C at 140:18-142:1; CX-96C at 78:11-24; CX-1974C at Q&A 318-20, 353.) As detailed by two respondents, the manufacturing facilities are small and generally consist of a small number of people in a room assembling components into a finished product. (Id., CX-96C at 78:11-24; 80:6-15; CX-102C at 44:13-46:10, 57:10-2, 67:1-68:15.; CX-101C at 140:18-142:1);
- The evidence has shown an increasing demand for LED based lighting devices. (CX-2076C at Q&A 62-63; CX-1971C at Q&A 333.) Specifically, the evidence has shown the cost of LED components is falling while the performance of these components is rising. (CX-1971C at Q&A 333.) Because of the low cost of these components (and cheap manufacturing), the LED based lighting device market provides an ideal opportunity for a manufacturer to yield high profit margins. (*Id.*); and
- The evidence further shows that foreign entities wishing to enter the LED based lighting devices market have ready access to established distribution networks. The evidence has shown that online business-to-business internet portals, such as www.eBay.com, www.amazon.com, www.alibaba.com, www.made-in-china.com, www.aliexpress.com, www.manufacturer.com, www.diytrade.com, www.chinadirectbuy.com and many more, allow foreign manufactures to sell its products internationally. (CX-1971C, at p. 87, Q&A 324, 327-328; CX-746; CX-723.)

Thus, given at least the above, the evidence has shown a widespread pattern of violation and the necessary business conditions that satisfies the first sub-prong of Section 337(d)(2)(B)

c) Difficulty in Identifying the Source

The evidence shows that there is difficulty in identifying the source.

- Respondents and others have made deliberate attempts to conceal the source of the product. (CX-96C at 75:22-24, 76:6-10, 76:13-21, 77:4-6). [REDACTED]

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- The evidence shows that the source of the product is hidden “within a complicated web of anonymous companies, blind payment gateways and ambiguous brands and brand names.” (CX-1971C at Q&A 379, 382; CX-99C at 45:13-16, 45:10-18, 46:10-47:4, 51:7-12, 51:17-18, 64:1-4, 68:9-12, 73:7-9, 77:7-12, 81:12-14, 84:11-12, 91:22-92:3, 96:20-22, 98:14-17; CX-102C at 116:13-117:4.);
- The evidence further shows that even the retailers of the accused products do not know who manufactured their product. (CX-1971C at Q&A 342, 382; CX-102C at 40:13-41:3, 53:11-54:12, 123:1-8, 124:18-24, 148:4-22; CX-100C at 89:9-11.);
- Manufacturers operate under multiple names, change their business names and brand names, and participate in extensive re-branding of essentially the same product using different sales channels, *e.g.*, Internet websites. (CX-1971C at Q&A 380-419; CX-99C at 65:3-9; CX-102C at 40:23-41:1-3, 124:18-24.); and
- The evidence shows that the accused products are shipped in plain cardboard boxes with no product branding. (CX-1971C at Q. 383; CX-102C at 148:4-22; CX-1971C at Q&A 383, 392; CX-99C at 53:2-54:3, 54:12-15, 64:8-15, 69:22-70:7, 73:10-18, 77:13-20, 85:21-86:12, 92:13-20, 97:1-7, 98:18-99:6; CX-100C at 158:10-159:13; CX-96C at 94:6-19; CX-618.) These products are shipped with user manuals that also have no identifying information. (CX-1971C at Q&A 384, 392; CX-153C; CX-99C at 138:12-139:4; CX-100C at 158:10-159:13.).

Accordingly, the evidence shows both a widespread pattern of violation and a difficulty in determining the source of the accused products.

In view of at least the foregoing, the evidence shows that, if a violation is found, the ALJ recommends that a general exclusion order be issued in this investigation.

B. Limited Exclusion Order

Under Section 337(d), the Commission may issue either a limited or a general exclusion order. A limited exclusion order directed to respondents' infringing products is among the remedies that the Commission may impose, as is a general exclusion order that would apply to all infringing products, regardless of their manufacturer. *See* 19 U.S.C. § 1337(d).

Litepanels argues, if a general exclusion order is not found to be appropriate, then a limited exclusion order prohibiting Respondents from importing any LED photographic lighting

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devices that infringe one or more of the asserted claims of the '823, '652 and '022 Patents. (CIB at 149.) Staff agrees. (SIB at 120.)

If a general exclusion order is not warranted in this investigation, the ALJ recommends that a limited exclusion order be issued.

C. Cease and Desist Order

Section 337 provides that in addition to, or in lieu of, the issuance of an exclusion order, the Commission may issue a cease and desist order as a remedy for violation of section 337. *See* 19 U.S.C. § 1337(f)(1). The Commission generally issues a cease and desist order directed to a domestic respondent when there is a “commercially significant” amount of infringing, imported product in the United States that could be sold so as to undercut the remedy provided by an exclusion order. *See Certain Crystalline Cefadroxil Monohydrate*, Inv. No. 337-TA-293, USITC Pub. 2391, Comm’n Op. on Remedy, the Public Interest and Bonding at 37-42 (June 1991); *Certain Condensers, Parts Thereof and Products Containing Same, Including Air Conditioners for Automobiles*, Inv. No. 337-TA-334, Comm’n Op. at 26-28 (Aug. 27, 1997).

Litepanels does not request a cease and desist order. (*See* CIB at 127-150.)

D. Bond During Presidential Review Period

The Administrative Law Judge and the Commission must determine the amount of bond to be required of a respondent, pursuant to section 337(j)(3), during the 60-day Presidential review period following the issuance of permanent relief, in the event that the Commission determines to issue a remedy. The purpose of the bond is to protect the complainant from any injury. 19 C.F.R. § 210.42(a)(1)(ii), § 210.50(a)(3).

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When reliable price information is available, the Commission has often set the bond by eliminating the differential between the domestic product and the imported, infringing product. *See Certain Microsphere Adhesives, Processes for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes*, Inv. No. 337-TA-366, Comm'n Op. a 24 (1995). In other cases, the Commission has turned to alternative approaches, especially when the level of a reasonable royalty rate could be ascertained. *See, e.g., Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus*, Inv. No. 337-TA-337, Comm'n Op. at 41 (1995). A 100 percent bond has been required when no effective alternative existed. *See, e.g., Certain Flash Memory Circuits and Products Containing Same*, Inv. No. 337-TA-382, USITC Pub. No. 3046, Comm'n Op. at 26-27 (July 1997) (a 100% bond imposed when price comparison was not practical because the parties sold products at different levels of commerce, and the proposed royalty rate appeared to be *de minimis* and without adequate support in the record).

Litepanels seeks a bond rate of 100% arguing that Respondents sell their products at different price points and pricing information from the internet is insufficient. (CIB at 149-150.) Staff argues that a bond set at 50% is warranted based on the testimony of Mr. Woods who testified that the retail price of Respondents' products is about 35-30% lower than the price of Litepanels's products.

The ALJ agrees with Staff and recommends a bond rate of 50%. The evidence shows that the Respondents products are typically sold at about 35-30% lower than the price of Litepanels's products. (CX-1971C at Q&A 338.) *Certain Two-Handle Centerset Faucets and Escutcheons, and Components Thereof*, 337-TA-422, Comm'n. Determination at 9-10 (March 17, 2000) (setting bond rate based on price differential).

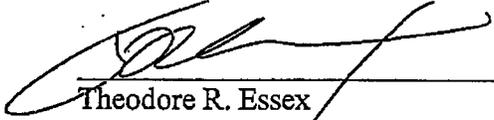
II. Conclusion

In accordance with the discussion of the issues contained herein, it is the RECOMMENDED DETERMINATION (“RD”) of the ALJ should the Commission find a violation, then it should issue a general exclusion order. Should the Commission determine that a general exclusion order is not warranted, the ALJ recommends that a limited exclusion order directed at Respondents’ products found to infringe the valid claims of the ’823, ’652 and ’022 Patents be issued. Furthermore, Respondents should be required to post a bond of 50% during the Presidential review period.

Within seven days of the date of this document, each party shall submit to the office of the Administrative Law Judge a statement as to whether or not it seeks to have any portion of this document deleted from the public version. The parties’ submissions must be made by hard copy by the aforementioned date.

Any party seeking to have any portion of this document deleted from the public version thereof must submit to this office (1) a copy of this document with red brackets indicating any portion asserted to contain confidential business information by the aforementioned date and (2) a list specifying where said redactions are located. The parties’ submission concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.



Theodore R. Essex
Administrative Law Judge

APPENDIX A

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
Investigation No. 337-JA-004
Litanoparis Inc. Litanoparis Ltd. CORRECTED Admitted Exhibits - Confidential and Public
August 6, 2012

Exhibit No.	Conf. Description/Title	Baggage Range	Baggage Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-1	Conf. Description/Title Enemy Letter (Complaint Exhibit 1)	LP_ITC-0000070	LP_ITC-0000070	7/29/2009	Validity	Rudy Pohlt	6/19/2012
CX-2	US White House Briefing Room (Complaint Exhibit 2)	LP_ITC-0000072	LP_ITC-0000077	N/A	Validity	Rudy Pohlt	6/19/2012
CX-3	WITHDRAWN						
CX-4	Website: eBay 900 LED Lights (Complaint Exhibit 3a)	LP_ITC-0000099	LP_ITC-0000100	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-5	Website: eBay - 2pac-1000-LEDs-Video-Photography-Studio-Pane (Complaint Exhibit 3b)	LP_ITC-0000102	LP_ITC-0000104	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-6	Website: eBay - 3263 results-Search for LED Video Light (Complaint Exhibit 3c)	LP_ITC-0000106	LP_ITC-0000112	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-7	Website: Amazon - Led Light Panel (Complaint Exhibit 3d)	LP_ITC-0000114	LP_ITC-0000118	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-8	Website: buycheep.com - led camera light panels (Complaint Exhibit 3e)	LP_ITC-0000120	LP_ITC-0000124	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-9	Website: Amazon - Camorder Video Light, LED Light (Complaint Exhibit 3f)	LP_ITC-0000126	LP_ITC-0000131	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-10	Website: eBay - CN-160 LED Camera Video Lamp Light for 450D 550D 350D _eBay (Complaint Exhibit 3g)	LP_ITC-0000133	LP_ITC-0000136	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-11	Website: Amazon - 183 LED Dimmable Video Light Panel (Complaint Exhibit 3h)	LP_ITC-0000138	LP_ITC-0000141	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-12	Website: Amazon - ethote Pro Super Bright 160 LED 5400K (Complaint Exhibit 3i)	LP_ITC-0000143	LP_ITC-0000148	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-13	Website: eBay - NEW PRO LED 312 Panel Light 5600K (Complaint Exhibit 3j)	LP_ITC-0000150	LP_ITC-0000153	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-14	Website: eBay - Pro CN-126 LED camera video lamp light (Complaint Exhibit 3k)	LP_ITC-0000155	LP_ITC-0000159	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-15	YONGNUO YN-160 LED Video Light (Complaint Exhibit 3l)	LP_ITC-0000161	LP_ITC-0000165	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-16	Prompter People, Inc. Company Profile (Complaint Exhibit 3m)	LP_ITC-0000167	LP_ITC-0000167	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-17	René Rylander co-owns Prompter People (Complaint Exhibit 3n)	LP_ITC-0000169	LP_ITC-0000169	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-18	Dimenson Rylande Real Estate LLC (Complaint Exhibit 3o)	LP_ITC-0000171	LP_ITC-0000171	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-19	Mark Dimenson - Facebook (Complaint Exhibit 3p)	LP_ITC-0000173	LP_ITC-0000173	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-20	Prompter Domain (Complaint Exhibit 3q)	LP_ITC-0000175	LP_ITC-0000175	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-21	Web Archive showing FloLight as a Prompter Company (Complaint Exhibit 3r)	LP_ITC-0000177	LP_ITC-0000178	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-22	FloLight, LLC Company Profile (Complaint Exhibit 3s)	LP_ITC-0000180	LP_ITC-0000180	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-23	Website explaining Prompter FloLight relationship (Complaint Exhibit 3t)	LP_ITC-0000182	LP_ITC-0000183	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-24	FAQ from FloLight (Complaint Exhibit 3u)	LP_ITC-0000185	LP_ITC-0000185	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-25	FAQ from Prompter People (Complaint Exhibit 3v)	LP_ITC-0000187	LP_ITC-0000190	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-26	Solutions from Prompter People (Complaint Exhibit 3w)	LP_ITC-0000192	LP_ITC-0000193	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-27	Contact FloLight (Complaint Exhibit 3x)	LP_ITC-0000195	LP_ITC-0000195	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-28	Draeco Bill of Lading (Complaint Exhibit 3y)	LP_ITC-0000197	LP_ITC-0000198	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-29	Draeco - Visual (Complaint Exhibit 3z)	LP_ITC-0000200	LP_ITC-0000200	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-30	WITHDRAWN						
CX-31	Patent License Agreement between Litanoparis Limited and Litanoparis Inc. (Complaint Exhibit 4a)	LP_ITC-0000224	LP_ITC-0000233	8/26/2008	Ownership/Sanding: Domestic Industry	Rudy Pohlt	6/19/2012
CX-32	Consolidated Royalty Report (Complaint Exhibit 4b)	LP_ITC-0000246	LP_ITC-0000246	6/28/2011	Ownership/Sanding	Rudy Pohlt	6/19/2012
CX-33	Rent schedule (Complaint Exhibit 4c)	LP_ITC-0000250	LP_ITC-0000250	N/A	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-34	Fixed Asset Depreciation Schedule (Complaint Exhibit 4d)	LP_ITC-0000254	LP_ITC-0000257	N/A	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-35	Payroll schedule (Complaint Exhibit 4e)	LP_ITC-0000264	LP_ITC-0000264	05/08/2011	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-36	Space and Asset Appointment by Product (Complaint Exhibit 4f)	LP_ITC-0000272	LP_ITC-0000272	N/A	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-37	Employee Hours Appointment by Product (Complaint Exhibit 4g)	LP_ITC-0000272	LP_ITC-0000272	N/A	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-38	Research and Development Expenses to May 2011 (Complaint Exhibit 4h)	LP_ITC-0000276	LP_ITC-0000277	N/A	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-39	Research and Development Time Split By Project (Complaint Exhibit 4i)	LP_ITC-0000282	LP_ITC-0000293	04/08/2010	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-40	New Litanoparis Pencil 2008 - 2011 (Complaint Exhibit 4j)	LP_ITC-0000308	LP_ITC-0000326	12/08/2008	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-41	Government-Incentives-Spur-Doubling-in-China-LED-Market-by-2014 (Complaint Exhibit 4k)	LP_ITC-0000348	LP_ITC-0000348	7/28/2010	Economic Domestic Industry	Rudy Pohlt	6/19/2012
CX-42	Analysis LEDs companies' rally dims as China becomes Complaint Exhibit 4l.)	LP_ITC-0000350	LP_ITC-0000351	2/2/2011	Remedy/Bonding	Rudy Pohlt	6/19/2012

Exhibit No.	Conf. Description/Title	BigBates Range	BigBates Range	Date	Purpose	Sponsoring Witness(es)	Entered Info. Evidence
CX-43	C Patent License Agreement (Complaint Exhibit 5)	LP_ITC-0000353	LP_ITC-0000362	8/26/2008	Ownership/Splicing	Rudy Pohler	6/19/2012
CX-44	C US Patent 7,318,657 Assignment of Patent Rights (Complaint Exhibit 12)	LP_ITC-0000649	LP_ITC-0000652	8/26/2008	Ownership/Splicing	Rudy Pohler	6/19/2012
CX-45	C US Patent 6,948,823 Patent Assignment of Patent Rights (Complaint Exhibit 14)	LP_ITC-0000734	LP_ITC-0000737	8/26/2008	Ownership/Splicing	Rudy Pohler	6/19/2012
CX-46	Invoice for Prolight LED-1024 and LED-236 (Complaint Exhibit 16)	LP_ITC-0000748	LP_ITC-0000749	7/6/2011	Infringement	Rudy Pohler	6/19/2012
CX-47	Invoice for Prolight LED-1024 Made in China Designation (Complaint Exhibit 17)	LP_ITC-0000751	LP_ITC-0000751	N/A	Infringement	Rudy Pohler	6/19/2012
CX-48	Invoice for IKAN ID-500 and LED-155 (Complaint Exhibit 19)	LP_ITC-0000758	LP_ITC-0000759	2/14/2011	Infringement	Rudy Pohler	6/19/2012
CX-49	IKAN ID-500 Made in China Designation (Complaint Exhibit 20)	LP_ITC-0000761	LP_ITC-0000761	N/A	Infringement	Rudy Pohler	6/19/2012
CX-50	Receipt for IKAN 312 and Cool Lights 1200 BF (Complaint Exhibit 22)	LP_ITC-0000772	LP_ITC-0000773	2/14/2011	Infringement	Rudy Pohler	6/19/2012
CX-51	Cool Lights CL-LED 1200 BF Made in China Designation (Complaint Exhibit 23)	LP_ITC-0000777	LP_ITC-0000777	4/22/2011	Infringement	Rudy Pohler	6/19/2012
CX-52	Invoice for Fotodiox 312AS (Complaint Exhibit 28)	LP_ITC-0000801	LP_ITC-0000801	7/24/2011	Infringement	Rudy Pohler	6/19/2012
CX-53	Fotodiox 312AS Made in China Designation (Chenger) (Complaint Exhibit 29)	LP_ITC-0000803	LP_ITC-0000803	N/A	Infringement	Rudy Pohler	6/19/2012
CX-54	Invoice for Fotodiox Pro LED-100ASV (Complaint Exhibit 31)	LP_ITC-0000811	LP_ITC-0000811	7/24/2011	Infringement	Rudy Pohler	6/19/2012
CX-55	Fotodiox Pro LED-100ASV Made in China Designation (Power Supply) (Complaint Exhibit 32)	LP_ITC-0000813	LP_ITC-0000813	N/A	Infringement	Rudy Pohler	6/19/2012
CX-56	Amended District Court Complaint (Complaint Exhibit 34)	LP_ITC-0000848	LP_ITC-0000866	1/13/2010	Infringement	Rudy Pohler	6/19/2012
CX-57	Prolight LED-256 Made in China Designation (Complaint Exhibit 38)	LP_ITC-0000869	LP_ITC-0000869	N/A	Infringement	Rudy Pohler	6/19/2012
CX-58	IKAN LED-155 Made in China (Complaint Exhibit 40)	LP_ITC-0001014	LP_ITC-0001014	N/A	Infringement	Rudy Pohler	6/19/2012
CX-59	P&V 296 Invoice (Complaint Exhibit 42)	LP_ITC-0001047	LP_ITC-0001048	7/7/2011	Infringement	Rudy Pohler	6/19/2012
CX-60	F&V 296 Made in China Designation (Complaint Exhibit 43)	LP_ITC-0001050	LP_ITC-0001050	N/A	Infringement	Rudy Pohler	6/19/2012
CX-61	Stellar 96D Invoice (Complaint Exhibit 45)	LP_ITC-0001066	LP_ITC-0001066	7/6/2011	Infringement	Rudy Pohler	6/19/2012
CX-62	Receipt for Cool Lights CL-LED 600 (Complaint Exhibit 46)	LP_ITC-0001068	LP_ITC-0001068	N/A	Infringement	Rudy Pohler	6/19/2012
CX-63	Cool Lights CL-LED 600 Made in China Designation (Complaint Exhibit 50)	LP_ITC-0001093	LP_ITC-0001100	7/23/2010	Infringement	Rudy Pohler	6/19/2012
CX-64	Invoice for Fotodiox 50AV (Complaint Exhibit 51)	LP_ITC-0001102	LP_ITC-0001102	N/A	Infringement	Rudy Pohler	6/19/2012
CX-65	Fotodiox LED50AV Made in China Designation on Power Cord (Complaint Exhibit 54)	LP_ITC-0001141	LP_ITC-0001141	6/7/2011	Infringement	Rudy Pohler	6/19/2012
CX-66	Website of Fotodiox China (Complaint Exhibit 57)	LP_ITC-0001145	LP_ITC-0001146	N/A	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-67	Dynuser.com community linking listmail to Prolight (Complaint Exhibit 63)	LP_ITC-0001210	LP_ITC-0001211	6/23/2008	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-68	Westby.com Listing listmail as Manufacturer for Prolight (Complaint Exhibit 64)	LP_ITC-0001213	LP_ITC-0001214	N/A	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-69	Huangyu to Cool Lights Bill of Lading (Complaint Exhibit 65)	LP_ITC-0001219	LP_ITC-0001220	2/17/2010	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-70	Fotodiox China is joint venture invested by Chinese and American (Complaint Exhibit 66)	LP_ITC-0001222	LP_ITC-0001222	N/A	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-71	Shantou or Information from NAB show in Las Vegas (Complaint Exhibit 67)	LP_ITC-0001224	LP_ITC-0001225	2/19/2011	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-72	Bill of Lading from Yeyan Lily Collection to IKAN (Complaint Exhibit 68)	LP_ITC-0001227	LP_ITC-0001227	N/A	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-73	Importgenius.com Lily Collection Graphic (Complaint Exhibit 69)	LP_ITC-0001227	LP_ITC-0001227	N/A	Infringement; Remedy/Bonding	Rudy Pohler	6/19/2012
CX-74	C WITHDRAWN						
CX-75	C Eatek Electronics, Inc. Monthly Summaries	LP_ITC-0162689	LP_ITC-0162837	N/A	Economic Domestic Industry	Pohler, Rudy	6/19/2012
CX-76	C WITHDRAWN						
CX-77	C WITHDRAWN						
CX-78	C WITHDRAWN						
CX-79	C WITHDRAWN						
CX-80	C WITHDRAWN						
CX-81	C Table of Lilepanets' Sales	LP_ITC-0086698	LP_ITC-0086699	N/A	Economic Domestic Industry	Pohler, Rudy	6/19/2012
CX-82	C Spreadsheets of Lilepanets' Sales	LP_ITC-0162681	LP_ITC-0162681	N/A	Economic Domestic Industry; Validity	Pohler, Rudy	6/19/2012
CX-83	C WITHDRAWN						
CX-84	C WITHDRAWN						
CX-85	C WITHDRAWN						
CX-86	C WITHDRAWN						
CX-87	C WITHDRAWN						
CX-88	C WITHDRAWN						
CX-89	C WITHDRAWN						

Exhibit No.	Conf. Description/Title	Depositor	Depositor Range	Date	Purpose	Sponsoring/Withdrawn	Entered into Evidence
CX-90	WITHDRAWN						
CX-91	WITHDRAWN						
CX-92	WITHDRAWN						
CX-93	WITHDRAWN						
CX-94	WITHDRAWN						
CX-95	WITHDRAWN						
CX-96	Deposition Transcript: March 11, 2012 Richard Andrewski (ABC)			3/11/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-97	Deposition Transcript: March 20, 2012 Kai Zhan (F&V)			3/20/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-98	Deposition Transcript: March 6, 2012 Kevin Luo (Foodolix)			3/6/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-99	Deposition Transcript: March 21, 2012 Yue Kan Yeung (IKAN)			3/21/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-100	Deposition Transcript: March 21, 2012 Qizhuang Zheng (Qianguang)			3/21/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-101	Deposition Transcript: March 8, 2012 Mark Dittmannson (Prompler)			3/8/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-102	Deposition Transcript: March 9, 2012 Hooshmand Harooni (Stellar Lighting System)			3/9/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-103	WITHDRAWN						
CX-104	WITHDRAWN						
CX-105	Deposition Transcript: March 19, 2012 Ken Fisher (Lilepanets)			3/19/2012	Conception/Reduction to Practice; Remedy and Bonding; Ownership/Bonding; Validity; Economic Domestic Industry	Mike Wood	6/20/2012
CX-106	WITHDRAWN						
CX-107	WITHDRAWN						
CX-108	WITHDRAWN						
CX-109	WITHDRAWN						
CX-110	WITHDRAWN						
CX-111	WITHDRAWN						
CX-112	WITHDRAWN						
CX-113	WITHDRAWN						
CX-114	WITHDRAWN						
CX-115	WITHDRAWN						
CX-116	WITHDRAWN						
CX-117	Andrewski 11: CL-LED1200 LED Daylight Panel	LP_ITC-0160337	LP_ITC-0160338	N/A	Infringement	Mike Wood	6/20/2012
CX-118	Andrewski 12: CL-LED1200 LED Daylight Panel	LP_ITC-0160341	LP_ITC-0160342	N/A	Infringement	Mike Wood	6/20/2012
CX-119	Andrewski 13: CL-LED1200 LED BH-Color Panel	LP_ITC-0160335	LP_ITC-0160336	N/A	Infringement	Mike Wood	6/20/2012
CX-120	Andrewski 14: CL-LED1200 LED BH-Color Panel	LP_ITC-0160330	LP_ITC-0160331	N/A	Infringement	Mike Wood	6/20/2012
CX-121	Andrewski 15: CL-LED256 256 LED Spot	LP_ITC-0160314	LP_ITC-0160315	N/A	Infringement	Mike Wood	6/20/2012
CX-122	WITHDRAWN						
CX-123	WITHDRAWN						
CX-124	WITHDRAWN						
CX-125	WITHDRAWN						
CX-126	Zhan 6: Screen Shot from Fuzhou F&V website that depicts all of the LED photographic, video or film, lighting devices sold by F&V	FV-ITC-152	FV-ITC-152	N/A	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CX-127	Zhan 7: F&V Video Light HDV-296 Video Light User Guide	FV_ITC-0000001	FV_ITC-0000008	N/A	Infringement	Mike Wood	6/20/2012
CX-128	Zhan 8: Dissection Diagram of 296	FV-ITC-170	FV-ITC-170	N/A	Infringement	Mike Wood	6/20/2012
CX-129	Zhan 9: HDV-296 LED Video Light Promotional Material	FV-ITC-103	FV-ITC-106	N/A	Infringement	Mike Wood	6/20/2012
CX-130	WITHDRAWN						
CX-131	Zhan 11: Fuzhou F&V Website Screen Shot of R50 Panel Light	FV-ITC-160	FV-ITC-160	N/A	Infringement	Mike Wood	6/20/2012
CX-132	Zhan 12: Fuzhou F&V Video Light R-50 Video Light User Guide	FV-ITC-247	FV-ITC-250	N/A	Infringement	Mike Wood	6/20/2012
CX-133	WITHDRAWN						
CX-134	WITHDRAWN						
CX-135	WITHDRAWN						
CX-136	WITHDRAWN						
CX-137	WITHDRAWN						
CX-138	WITHDRAWN						
CX-139	WITHDRAWN						

Exhibit No.	Cont.	Description/Title	Regulator Range	Regulator Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-140	C	WITHDRAWN						
CX-141		WITHDRAWN						
CX-142		WITHDRAWN						
CX-143	C	WITHDRAWN						
CX-144	C	Luo 7: Respondent Fotodiox Inc.'s Responses and Objections to Complainant's First Request for Admissions (Nos. 1-189)	N/A		2/6/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-145	C	WITHDRAWN						
CX-146	C	WITHDRAWN						
CX-147	C	WITHDRAWN						
CX-148		WITHDRAWN						
CX-149		WITHDRAWN						
CX-150	C	WITHDRAWN						
CX-151	C	WITHDRAWN						
CX-152	C	WITHDRAWN						
CX-153	C	Luo 16: Instruction Manual LED144A, LED144AS, LED312A, LED312AS	FDU5000069	FDU5000069	N/A	Infringement	Mike Wood	6/20/2012
CX-154		WITHDRAWN						
CX-155	C	WITHDRAWN						
CX-156		WITHDRAWN						
CX-157	C	WITHDRAWN						
CX-158	C	Luo 21: Website: Fotodiox Pro LED 1000ASV with Barndoor, Still/Video LED Light Stand Bracket and Carry Case, Variable color Temperature 2300K-5600K, CRP-80	FDU500008	FDU500008	N/A	Infringement	Mike Wood	6/20/2012
CX-159	C	WITHDRAWN						
CX-160		WITHDRAWN						
CX-161		WITHDRAWN						
CX-162		WITHDRAWN						
CX-163		WITHDRAWN						
CX-164		WITHDRAWN						
CX-165		WITHDRAWN						
CX-166	C	WITHDRAWN						
CX-167	C	WITHDRAWN						
CX-168	C	WITHDRAWN						
CX-169	C	WITHDRAWN						
CX-170	C	Zheng 7: Product Insert: CN-160 LED Video Lighting	NG_ITC 0000026	NG_ITC 0000035	N/A	Infringement	Mike Wood	6/20/2012
CX-171		Zheng 8: Email from H.Hanoni to N.Ngungang re: Alter the body of the LED 1X1 to NG_00001203 a different color (Bates Not on Document)			N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-172	C	WITHDRAWN						
CX-173	C	WITHDRAWN						
CX-174		WITHDRAWN						
CX-175		WITHDRAWN						
CX-176		WITHDRAWN						
CX-177		WITHDRAWN						
CX-178		WITHDRAWN						
CX-179		WITHDRAWN						
CX-180		WITHDRAWN						
CX-181		WITHDRAWN						
CX-182		WITHDRAWN						
CX-183		WITHDRAWN						
CX-184		WITHDRAWN						
CX-185		WITHDRAWN						
CX-186		WITHDRAWN						
CX-187		WITHDRAWN						
CX-188		WITHDRAWN						
CX-189		WITHDRAWN						

Exhibit No.	Conf.	Description/Title	BigBates Range	BigBates Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-190		WITHDRAWN						
CX-191		WITHDRAWN						
CX-192	C	WITHDRAWN						
CX-193	C	WITHDRAWN						
CX-194	C	WITHDRAWN						
CX-195	C	WITHDRAWN						
CX-196	C	WITHDRAWN						
CX-197	C	WITHDRAWN						
CX-198	C	Photlet 3: Prototype of Ringlite or design of the Ringlite by DN Labs	LP_ITC-0114804	LP_ITC-0114807	05/26/199	Conception/Reduction to Practice	N/A	6/20/2012
CX-199	C	Photlet 4: Letter from Rudy Pohlett to Daniel Neuman re Follow-Up on Ringlite Project	LP_ITC-0114821	LP_ITC-0114827	12/22/1999	Conception/Reduction to Practice	Rudy Pohlett	6/19/2012
CX-200	C	WITHDRAWN						
CX-201	C	WITHDRAWN						
CX-202	C	WITHDRAWN						
CX-203	C	Grossweight 317ax from Rudy Pohlett to DN Labs Inc. re Idea for Ring Lite	LP_ITC-0115138	LP_ITC-0115141	2/26/1998	Conception/Reduction to Practice; Validity	Rudy Pohlett	6/19/2012
CX-204	C	WITHDRAWN						
CX-205	C	WITHDRAWN						
CX-206	C	WITHDRAWN						
CX-207		Teardown Photographs NAB 2011 LED Exhibitor Booth	LP_ITC-0113696	LP_ITC-0114021	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-208		Teardown Photographs Indicators of Hand Assembly	LP_ITC-0114089	LP_ITC-0114143	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-209		Teardown Photographs - Fotodiox	LP_ITC-01159997	LP_ITC-0160299	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-210		Teardown Photograph - F&V	LP_ITC-0162994	LP_ITC-0162968	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-211		Teardown Photograph - Pilotlight	LP_ITC-0162969	LP_ITC-0162994	N/A	Infringement; Kennedy/Bonding*	Mike Wood	6/20/2012
CX-212		Teardown Photograph - Ken	LP_ITC-0162995	LP_ITC-0163099	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-213		Teardown Photograph - Litipanelis	LP_ITC-0163138	LP_ITC-0163228	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-214		Teardown Photograph - Stellar	LP_ITC-0163233	LP_ITC-0163233	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-215		Teardown Photograph - Stellar	LP_ITC-0163234	LP_ITC-0163241	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-216		Teardown Photograph - Nangung	LP_ITC-0163242	LP_ITC-0163422	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-217	C	Advanced Business Computer Services, LLC's Response to Complainant's First Set of Requests for Admission (Nos. 1-35)			2/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-218	C	WITHDRAWN						
CX-219	C	Advanced Business Computer Services, LLC's Response to Litipanelis, Inc.'s and Litipanelis, Ltd.'s Second Set of Requests for Admission to Respondent Advanced Business Computer Services, LLC (Nos. 36-83)			3/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-220	C	WITHDRAWN						
CX-221	C	WITHDRAWN						
CX-222	C	WITHDRAWN						
CX-223	C	WITHDRAWN						
CX-224	C	WITHDRAWN						
CX-225	C	WITHDRAWN						
CX-226	C	WITHDRAWN						
CX-227	C	WITHDRAWN						
CX-228	C	WITHDRAWN						
CX-229	C	WITHDRAWN						
CX-230	C	Fotodiox, Inc.'s Response to Fourth Set of Interrogatories to Respondent Fotodiox, Inc. (Nos. 106-114)			3/8/2012	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-231	C	Fotodiox's Response to Litipanelis Second Set of Requests for Admission to Respondent Fotodiox, Inc. (Nos. 190-371)			3/8/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-232	C	Respondent Fotolight, LLC's Response to Complainant's First Set of Requests for Admission (No. 1-82)			2/3/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-233	C	WITHDRAWN						
CX-234	C	Fotolight, LLC's Response to Litipanelis, Inc.'s and Litipanelis, Ltd.'s Second Set of Requests for Admission to Respondent Fotolight, LLC (Nos. 67-174)			3/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-235	C	WITHDRAWN						

Exhibit No.	Conf.	Description/Title	Bag/Boxes Range	Depages Range	Date	Perpetrator	Sponsoring Witness(es)	Entered Info Evidence
CX-236	C	WITHDRAWN						
CX-237	C	WITHDRAWN						
CX-238	C	Fusion F&V's Response to Litepanels, Inc.'s and Litepanels, Ltd.'s First Set of Requests for Admission (Nos. 1-80)			2/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-239	C	WITHDRAWN						
CX-240	C	WITHDRAWN						
CX-241	C	WITHDRAWN						
CX-242	C	WITHDRAWN						
CX-243	C	Respondent IKAN Corporation, Inc.'s First Amended Response to Complainant's First Set of Interrogatories (No. 1-46)			12/13/2011	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-244	C	Respondent IKAN Corporation, Inc.'s Response to Complainant's First Set of Requests for Admission (Nos. 1-124)			2/3/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-245	C	WITHDRAWN						
CX-246	C	IKAN's Response to Litepanels, Inc.'s and Litepanels, Ltd.'s Second Set of Requests for Admission to Respondent IKAN Corporation (Nos. 125-185)			3/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-247	C	WITHDRAWN						
CX-248	C	WITHDRAWN						
CX-249	C	WITHDRAWN						
CX-250	C	WITHDRAWN						
CX-251	C	Respondent Prompter People, Inc.'s Response to Litepanels, Inc.'s and Litepanels, Ltd.'s First Set of Requests for Admission (Nos. 1-82)			2/3/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-252	C	WITHDRAWN						
CX-253	C	WITHDRAWN						
CX-254	C	Prompter People, Inc.'s Response to Litepanels, Inc.'s and Litepanels, Ltd.'s Second Set of Requests for Admission to Respondent Prompter People Inc. (Nos. 63-168)			3/9/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-255	C	WITHDRAWN						
CX-256	C	WITHDRAWN						
CX-257	C	WITHDRAWN						
CX-258	C	WITHDRAWN						
CX-259	C	Shanton Nengung Response to Litepanels, Inc.'s and Litepanels, Ltd.'s First Set of Requests for Admission (Nos. 1-313)			2/13/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-260	C	WITHDRAWN						
CX-261	C	WITHDRAWN						
CX-262	C	WITHDRAWN						
CX-263	C	WITHDRAWN						
CX-264	C	WITHDRAWN						
CX-265	C	WITHDRAWN						
CX-266	C	WITHDRAWN						
CX-267	C	WITHDRAWN						
CX-268	C	WITHDRAWN						
CX-269	C	WITHDRAWN						
CX-270	C	Respondent Stellar Lighting Systems Response to Complainant Litepanels, Inc.'s and Litepanels, Ltd.'s First Set of Requests for Admissions to Respondent Stellar Lighting Systems (Nos. 1-59)			1/31/2012	Infringement; Kennedy/Bonding	N/A	6/20/2012
CX-271	C	WITHDRAWN						
CX-272	C	Yuyao Fotodiox Photo Equipment Co., Ltd Responses and Objections to Litepanels, Inc.'s and Litepanels, Ltd.'s First Set of Interrogatories to Respondent Yuyao Fotodiox Photo Equipment Co., Ltd			10/11/2011	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-273	C	WITHDRAWN						
CX-274	C	WITHDRAWN						
CX-275	C	WITHDRAWN						
CX-276	C	WITHDRAWN						

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
Investigation No. 337-7A-304
Litipanelts Inc. Litipanelts Ltd. CORRECTED Admitted Exhibits - Confidential and Public
August 6, 2012

Exhibit No.	Conf.	Description/Title	Request Range	Tag Dates Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-277	C	Yuyao Fotoblox Photo Equipment Co., Ltd.'s Response to Litipanelts, Inc.'s and Litipanelts, Ltd.'s First Set of Requests for Admission (Nos. 1-270)	N/A		2/9/2012	Infringement; Remedy/Bonding	N/A	6/20/2012
CX-278	C	WITHDRAWN						
CX-279	C	WITHDRAWN						
CX-280	C	WITHDRAWN						
CX-281	C	WITHDRAWN						
CX-282	C	WITHDRAWN						
CX-283	C	WITHDRAWN						
CX-284	C	WITHDRAWN						
CX-285	C	WITHDRAWN						
CX-286	C	WITHDRAWN						
CX-287	C	Respondent Yuyao Lily Collection Co., Ltd.'s Objections and Responses to Litipanelts, Inc.'s and Litipanelts, Ltd.'s First Set of Requests for Admission (Nos. 1-72)	N/A		2/6/2012	Infringement; Remedy/Bonding	N/A	6/20/2012
CX-288	C	WITHDRAWN						
CX-289	C	WITHDRAWN						
CX-290	C	WITHDRAWN						
CX-291	C	WITHDRAWN						
CX-292	C	WITHDRAWN						
CX-293	C	WITHDRAWN						
CX-294	C	WITHDRAWN						
CX-295	C	WITHDRAWN						
CX-296	C	WITHDRAWN						
CX-297	C	Yuyao Lishuai Photo-Facility Co., Ltd.'s Response to Litipanelts, Inc.'s and Litipanelts, Ltd.'s First Set of Requests for Admission (Nos. 1-270)	N/A		2/9/2012	Infringement; Remedy/Bonding	N/A	6/20/2012
CX-298	C	WITHDRAWN						
CX-299	C	WITHDRAWN						
CX-300	C	WITHDRAWN						
CX-301	C	WITHDRAWN						
CX-302	C	WITHDRAWN						
CX-303	C	WITHDRAWN						
CX-304	C	WITHDRAWN						
CX-305	C	WITHDRAWN						
CX-306	C	WITHDRAWN						
CX-307	C	WITHDRAWN						
CX-308	C	WITHDRAWN						
CX-309	C	WITHDRAWN						
CX-310	C	WITHDRAWN						
CX-311	C	WITHDRAWN						
CX-312	C	WITHDRAWN						
CX-313	C	WITHDRAWN						
CX-314	C	WITHDRAWN						
CX-315	C	WITHDRAWN						
CX-316	C	WITHDRAWN						
CX-317	C	WITHDRAWN						
CX-318	C	WITHDRAWN						
CX-319	C	WITHDRAWN						
CX-320	C	WITHDRAWN						
CX-321	C	WITHDRAWN						
CX-322	C	WITHDRAWN						
CX-323	C	WITHDRAWN						
CX-324	C	WITHDRAWN						
CX-325	C	WITHDRAWN						
CX-326	C	WITHDRAWN						

Exhibit No.	Conf.	Description/Title	Reg-Base Range	Reg-Base Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CK-327	C	WITHDRAWN						
CK-328	C	WITHDRAWN						
CK-329	C	WITHDRAWN						
CK-330	C	WITHDRAWN						
CK-331	C	Litepanels Sales by Unit	LP_ITC-00888478	LP_ITC-00888478	N/A	Validity	Rudy Pohlt	6/19/2012
CK-332		Litepanels Inc. - USA Produce Price List	LP_ITC-0112427	LP_ITC-0112443	1/1/2011	Validity; Kennedy/Bonding	Mike Wood	6/20/2012
CK-333		International LED Fixture Sales Contracts	LP_ITC-012994	LP_ITC-013021	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-334		International LED Fixture Sales Contracts	LP_ITC-013022	LP_ITC-013042	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-335		International LED Fixture Sales Contracts	LP_ITC-013043	LP_ITC-013063	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-336		International LED Fixture Sales Contracts	LP_ITC-013064	LP_ITC-013091	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-337		LED Fixture Product Info: Aperture	LP_ITC-013092	LP_ITC-013101	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-338		CL-LED 1200 Bi-Color 1200 LED Lighting Panel Operations Manual	LP_ITC-013102	LP_ITC-013109	00/00/2010	Infringement	Mike Wood	6/20/2012
CK-339		CL-LED1200 1200 LED Lighting Panel Operations Manual	LP_ITC-013110	LP_ITC-013117	00/00/2010	Infringement	Mike Wood	6/20/2012
CK-340		CL-LED256 256 LED Lighting Panel Operations Manual	LP_ITC-013118	LP_ITC-013127	00/00/2009	Infringement	Mike Wood	6/20/2012
CK-341		CL-LED600 600 LED Lighting Panel Operations Manual	LP_ITC-013128	LP_ITC-013138	00/00/2009	Infringement	Mike Wood	6/20/2012
CK-342		NAB 2011 Exhibitor Product Literature: Lowell Blender Initiative LED Lighting	LP_ITC-013135	LP_ITC-013156	00/00/2010	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-343		NAB 2011 Exhibitor Product Literature: AssuroLED Full-Spectrum LED Light Sources	LP_ITC-013137	LP_ITC-013158	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-344		NAB 2011 Exhibitor Product Literature: Amet, Inc. Product Price List	LP_ITC-013159	LP_ITC-013159	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-345		NAB 2011 Exhibitor Product Literature: Advertisement Movie Equipment from Okinawa, Japan	LP_ITC-013160	LP_ITC-013167	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-346		NAB 2011 Exhibitor Product Literature: Advertisement	LP_ITC-013168	LP_ITC-013170	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-347		NAB 2011 Exhibitor Product Literature: Aurora LED System	LP_ITC-013171	LP_ITC-013176	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-348		NAB 2011 Exhibitor Product Literature: Autocue	LP_ITC-013177	LP_ITC-013180	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-349		NAB 2011 Exhibitor Product Literature: Barcrest	LP_ITC-013181	LP_ITC-013192	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-350		NAB 2011 Exhibitor Product Literature: Britecast	LP_ITC-013193	LP_ITC-013200	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-351		NAB 2011 Exhibitor Product Literature: Brite Shot	LP_ITC-013221	LP_ITC-013246	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-352		NAB 2011 Exhibitor Product Literature: Camlight	LP_ITC-013247	LP_ITC-013270	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-353		NAB 2011 Exhibitor Product Literature: CineSoft	LP_ITC-013271	LP_ITC-013283	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-354		NAB 2011 Exhibitor Product Literature: CineSoft	LP_ITC-013272	LP_ITC-013283	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-355		NAB 2011 Exhibitor Product Literature: Corner	LP_ITC-013295	LP_ITC-013295	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-356		NAB 2011 Exhibitor Product Literature: RBEZ Zilla	LP_ITC-013296	LP_ITC-013297	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-356A		NAB 2011 Exhibitor Product Literature: Ledalia	LP_ITC-013298	LP_ITC-013337	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-357		NAB 2011 Exhibitor Product Literature: Desalt	LP_ITC-013338	LP_ITC-013341	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-358		NAB 2011 Exhibitor Product Literature: Dixel	LP_ITC-013342	LP_ITC-013347	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-359		NAB 2011 Exhibitor Product Literature: Dyna LED Studio	LP_ITC-013348	LP_ITC-013354	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-360		NAB 2011 Exhibitor Product Literature: Dyna 1x1	LP_ITC-013355	LP_ITC-013360	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-361		NAB 2011 Exhibitor Product Literature: HDV-Z96 LED Video Light	LP_ITC-013369	LP_ITC-013372	N/A	Infringement; Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-362		NAB 2011 Exhibitor Product Literature: PAV	LP_ITC-013373	LP_ITC-013376	N/A	Infringement; Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-363		NAB 2011 Exhibitor Product Literature: Peli Tecpro	LP_ITC-013377	LP_ITC-013380	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-364		NAB 2011 Exhibitor Product Literature: LED Flo 40 Single Set	LP_ITC-013381	LP_ITC-013389	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-365		NAB 2011 Exhibitor Product Literature: Flightlight Pricing NAB 2011	LP_ITC-013390	LP_ITC-013390	N/A	Infringement; Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-366		NAB 2011 Exhibitor Product Literature: Flightlight	LP_ITC-013391	LP_ITC-013394	N/A	Infringement; Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-367		NAB 2011 Exhibitor Product Literature: Fotodiox	LP_ITC-013395	LP_ITC-013396	N/A	Infringement; Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-368		NAB 2011 Exhibitor Product Literature: Frezzi	LP_ITC-013397	LP_ITC-013400	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-369		NAB 2011 Exhibitor Product Literature: Frezzi	LP_ITC-013401	LP_ITC-013432	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-370		NAB 2011 Exhibitor Product Literature: Frezzi	LP_ITC-013433	LP_ITC-013434	N/A	Kennedy/Bonding	Mike Wood	6/20/2012
CK-371		NAB 2011 Exhibitor Product Literature: Hakelec Tech Co. Ltd	LP_ITC-013449	LP_ITC-013498	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-372		NAB 2011 Exhibitor Product Literature: Hualin	LP_ITC-013451	LP_ITC-013514	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-373		NAB 2011 Exhibitor Product Literature: Koil	LP_ITC-013515	LP_ITC-013515	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-374		NAB 2011 Exhibitor Product Literature: LEDZ	LP_ITC-013516	LP_ITC-013517	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012
CK-375		NAB 2011 Exhibitor Product Literature: Introducing Lowell Studio LED Powerful Output, DMX Dimmable	LP_ITC-013518	LP_ITC-013519	N/A	Kennedy/Bonding	Rudy Pohlt	6/19/2012

Exhibit No.	Conf. Description/Title	3sg Bates Range	Bsg Bates Range	Date	Ref/Note	Sponsoring Witness(es)	Entered Info Evidence
CK-376	NAB 2011 Exhibitor Product Literature: Yaguo Lishun Photo	LP_ITC-0113520	LP_ITC-0113557	N/A	Infringement; Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-377	NAB 2011 Exhibitor Product Literature: Lumos	LP_ITC-0113558	LP_ITC-0113563	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-378	NAB 2011 Exhibitor Product Literature: Mole LED	LP_ITC-0113564	LP_ITC-0113567	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-379	NAB 2011 Exhibitor Product Literature: Milla SL	LP_ITC-0113568	LP_ITC-0113575	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-380	NAB 2011 Exhibitor Product Literature: CreaSource	LP_ITC-0113576	LP_ITC-0113591	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-381	NAB 2011 Exhibitor Product Literature: Parade LED	LP_ITC-0113592	LP_ITC-0113592	N/A	Remedy/Bonding	Mike Wood	6/20/2012
CK-382	NAB 2011 Exhibitor Product Literature: BRG	LP_ITC-0113593	LP_ITC-0113593	N/A	Remedy/Bonding	Mike Wood	6/20/2012
CK-383	NAB 2011 Exhibitor Product Literature: LED3-31-11C-DAN-120	LP_ITC-0113594	LP_ITC-0113595	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-384	NAB 2011 Exhibitor Product Literature: Prism	LP_ITC-0113596	LP_ITC-0113605	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-385	NAB 2011 Exhibitor Product Literature: Beijing Feiyashi Technology Development Co. Ltd	LP_ITC-0113606	LP_ITC-0113629	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-386	NAB 2011 Exhibitor Product Literature: T&Y	LP_ITC-0113630	LP_ITC-0113659	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-387	NAB 2011 Exhibitor Product Literature: Telikon	LP_ITC-0113670	LP_ITC-0113670	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-388	NAB 2011 Exhibitor Product Literature: Videssence	LP_ITC-0113671	LP_ITC-0113680	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-389	NAB 2011 Exhibitor Product Literature: Videssence	LP_ITC-0113681	LP_ITC-0113689	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CK-390	NAB 2011 Exhibitor Product Literature: Paeoile 100M	LP_ITC-0113690	LP_ITC-0113695	N/A	Remedy/Bonding	Mike Wood	6/20/2012
CK-391	Fax from R. Pohlt (Contrast Lighting) to P. Grosswend	LP_ITC-0114711	LP_ITC-0114711	3/28/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-392	Fax from Contrast Lighting to LED Position	LP_ITC-0114712	LP_ITC-0114712	2/12/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-393	Fax to P. Grosswend (Page 2 only)	LP_ITC-0114713	LP_ITC-0114713	1/13/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-394	Diagram: Replaces Mechanical Potentiometers	LP_ITC-0114715	LP_ITC-0114715	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-395	Schematic	LP_ITC-0114716	LP_ITC-0114716	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-396	Handwritten Notes	LP_ITC-0114717	LP_ITC-0114717	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-397	Wiring Instructions for "Jungle" PCBs, Cables And Connectors	LP_ITC-0114718	LP_ITC-0114718	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-398	Handwritten Notes	LP_ITC-0114719	LP_ITC-0114719	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-399	Handwritten Notes	LP_ITC-0114720	LP_ITC-0114720	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-400	Handwritten Notes	LP_ITC-0114721	LP_ITC-0114721	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-401	Handwritten Notes Page 1	LP_ITC-0114722	LP_ITC-0114722	2/25/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-402	Handwritten Notes Page 2	LP_ITC-0114723	LP_ITC-0114723	2/25/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-403	Handwritten Notes Page 3	LP_ITC-0114724	LP_ITC-0114724	2/25/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-404	Handwritten Notes Page 1	LP_ITC-0114725	LP_ITC-0114725	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-405	Handwritten Notes Page 2	LP_ITC-0114726	LP_ITC-0114726	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-406	Handwritten Notes Page 3	LP_ITC-0114727	LP_ITC-0114727	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-407	Fax: Handwritten Notes	LP_ITC-0114728	LP_ITC-0114728	4/7/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-408	Handwritten Notes	LP_ITC-0114729	LP_ITC-0114729	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-409	Handwritten Notes	LP_ITC-0114730	LP_ITC-0114730	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-410	Handwritten Notes	LP_ITC-0114731	LP_ITC-0114731	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-411	Handwritten Notes	LP_ITC-0114732	LP_ITC-0114732	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-412	Handwritten Notes	LP_ITC-0114733	LP_ITC-0114733	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-413	Handwritten Drawing	LP_ITC-0114734	LP_ITC-0114734	2/25/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-414	Handwritten Drawing	LP_ITC-0114735	LP_ITC-0114735	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-415	Handwritten Notes	LP_ITC-0114736	LP_ITC-0114736	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-416	Image	LP_ITC-0114737	LP_ITC-0114737	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-417	Handwritten Drawing	LP_ITC-0114738	LP_ITC-0114738	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-418	Schematic: Contrast Lighting Eye Light	LP_ITC-0114739	LP_ITC-0114739	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-419	Schematic	LP_ITC-0114740	LP_ITC-0114741	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-420	Schematic	LP_ITC-0114741	LP_ITC-0114742	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-421	Schematic	LP_ITC-0114742	LP_ITC-0114743	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-422	Handwritten Notes	LP_ITC-0114743	LP_ITC-0114744	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-423	Handwritten Notes	LP_ITC-0114744	LP_ITC-0114745	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-424	Handwritten Notes	LP_ITC-0114745	LP_ITC-0114746	5/25/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-425	Handwritten Notes	LP_ITC-0114746	LP_ITC-0114747	5/25/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-426	Handwritten Notes	LP_ITC-0114747	LP_ITC-0114748	00/00/0000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-427	Handwritten Notes	LP_ITC-0114748	LP_ITC-0114749	00/00/0000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CK-428	Handwritten Notes	LP_ITC-0114749	LP_ITC-0114749	00/00/0000	Conception/Reduction to Practice	Mike Wood	6/20/2012

Exhibit No.	Cont. Description/Title	Baggage Range	Mail Baggage Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-429	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114750	LP JTC-0114750	8/29/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-430	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114751	LP JTC-0114751	6/13/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-431	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114752	LP JTC-0114752	6/12/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-432	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114753	LP JTC-0114753	5/16/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-433	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114754	LP JTC-0114754	4/8/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-434	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114755	LP JTC-0114755	11/26/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-435	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114756	LP JTC-0114756	11/12/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-436	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114757	LP JTC-0114757	11/16/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-437	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114760	LP JTC-0114760	10/19/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-438	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114764	LP JTC-0114764	4/9/2001	Conception/Reduction to Practice	Rudy Polkert	6/19/2012
CX-439	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114769	LP JTC-0114769	7/14/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-440	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114780	LP JTC-0114780	5/21/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-441	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114787	LP JTC-0114787	3/4/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-442	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114785	LP JTC-0114785	7/22/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-443	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114789	LP JTC-0114789	3/31/1999	Conception/Reduction to Practice	Mike Wood	6/19/2012
CX-444	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114791	LP JTC-0114791	3/31/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-445	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114793	LP JTC-0114793	1/25/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-446	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114794	LP JTC-0114794	1/14/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-447	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114796	LP JTC-0114796	9/14/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-448	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114798	LP JTC-0114798	10/13/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-449	C DN Labs Inc. Invoice to Contrast Lighting Service	LP JTC-0114799	LP JTC-0114799	9/14/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-450	C Mailing Envelope from Isell & Mancini LLP to Rudy Polkert	LP JTC-0114800	LP JTC-0114800	5/10/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-451	C Fax from R. Polkert to P. Grosswendt	LP JTC-0114801	LP JTC-0114801	11/13/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-452	C Handwritten Notes	LP JTC-0114802	LP JTC-0114802	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-453	C List of Artists	LP JTC-0114803	LP JTC-0114803	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-454	C Schematic	LP JTC-0114806	LP JTC-0114806	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-455	C Fax re: DN Labs	LP JTC-0114807	LP JTC-0114807	05/08/0199	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-456	C Newark Electronics Quote	LP JTC-0114809	LP JTC-0114809	11/15/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-457	C Fax from R. Polkert (Contrast Lighting) to Steve Walker	LP JTC-0114810	LP JTC-0114810	11/12/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-458	C Norm Avram Graphic	LP JTC-0114811	LP JTC-0114811	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-459	C Letter from Contrast Lighting Services to S. Walker	LP JTC-0114813	LP JTC-0114813	11/12/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-460	C Schematic	LP JTC-0114814	LP JTC-0114814	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-461	C Schematic	LP JTC-0114815	LP JTC-0114815	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-462	C Schematic	LP JTC-0114816	LP JTC-0114816	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-463	C Schematic	LP JTC-0114817	LP JTC-0114817	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-464	C Schematic	LP JTC-0114818	LP JTC-0114818	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-465	C Schematic	LP JTC-0114819	LP JTC-0114819	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-466	C Schematic	LP JTC-0114822	LP JTC-0114822	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-467	C Schematic	LP JTC-0114823	LP JTC-0114823	10/6/1997	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-468	C Schematic	LP JTC-0114824	LP JTC-0114824	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-469	C Fax from DN Labs	LP JTC-0114826	LP JTC-0114826	9/14/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-470	C Handwritten Notes	LP JTC-0114827	LP JTC-0114827	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-471	C Schematic	LP JTC-0114828	LP JTC-0114828	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-472	C Handwritten Notes	LP JTC-0114829	LP JTC-0114829	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-473	C Schematic	LP JTC-0114830	LP JTC-0114830	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-474	C Handwritten Notes	LP JTC-0114831	LP JTC-0114831	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-475	C Handwritten Notes	LP JTC-0114832	LP JTC-0114832	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-476	C Handwritten Notes	LP JTC-0114833	LP JTC-0114833	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-477	C Fax from DN Labs	LP JTC-0114834	LP JTC-0114834	9/8/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-478	C Handwritten Notes	LP JTC-0114835	LP JTC-0114835	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-479	C Fax from DN Labs	LP JTC-0114836	LP JTC-0114836	9/8/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-480	C Fax from DN Labs	LP JTC-0114837	LP JTC-0114837	9/8/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-481	C Fax from DN Labs	LP JTC-0114838	LP JTC-0114838	9/8/1998	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-482	C Receipt for Insured Mail: DN Labs	LP JTC-0114839	LP JTC-0114839	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012

Exhibit No.	Cont.	Description/Title	Relegates Range	Relegates Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-483	C	Receipt for Insured Mail: DN Labels	LP JTC-0114840	LP JTC-0114840	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-484	C	Receipt for Postal Service	LP JTC-0114841	LP JTC-0114841	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-485	C	Receipt for Postal Service	LP JTC-0114842	LP JTC-0114842	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-486	C	Receipt for Postal Service	LP JTC-0114843	LP JTC-0114843	5/11/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-487	C	Receipt for Postal Service	LP JTC-0114844	LP JTC-0114844	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-488	C	Handwritten Notes	LP JTC-0114845	LP JTC-0114845	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-489	C	Handwritten Notes	LP JTC-0114846	LP JTC-0114846	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-490	C	Handwritten Notes	LP JTC-0114847	LP JTC-0114847	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-491	C	Arrow Laminating Credit Memorandum to Contrast Lighting	LP JTC-0114848	LP JTC-0114848	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-492	C	Arrow Contact Information	LP JTC-0114849	LP JTC-0114849	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-493	C	Contact Information: Arrow Lamination	LP JTC-0114850	LP JTC-0114850	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-494	C	Advertisement: Arrow	LP JTC-0114851	LP JTC-0114851	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-495	C	Advertisement: Arrow	LP JTC-0114852	LP JTC-0114852	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-496	C	Arrow Laminating Credit Memorandum to Contrast Lighting	LP JTC-0114853	LP JTC-0114853	8/12/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-497	C	Arrow Laminating Invoice to Contrast Lighting	LP JTC-0114854	LP JTC-0114854	3/9/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-498	C	Xenopro Invoice to Ringlight	LP JTC-0114855	LP JTC-0114855	7/31/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-499	C	Xenopro Invoice to Ringlight	LP JTC-0114856	LP JTC-0114856	7/29/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-500	C	Receipt from Arrow Laminating to Rudy Pollett	LP JTC-0114857	LP JTC-0114857	2/11/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-501	C	Receipt from Arrow Laminating to P. Grosswendler: Order	LP JTC-0114858	LP JTC-0114858	9/21/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-502	C	Handwritten Notes	LP JTC-0114859	LP JTC-0114859	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-503	C	Advertisement: Arrow Laminating	LP JTC-0114860	LP JTC-0114860	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-504	C	Advertisement: Arrow Laminating	LP JTC-0114861	LP JTC-0114861	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-505	C	MBK Enterprises, Inc. Invoice to Contrast Lighting	LP JTC-0114862	LP JTC-0114862	2/4/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-506	C	MBK Enterprises Packing Slip	LP JTC-0114863	LP JTC-0114863	2/11/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-507	C	Written Supplies Maintenance Print Screen	LP JTC-0114864	LP JTC-0114864	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-508	C	MBK Sales Order Confirmation for Contrast Lighting	LP JTC-0114865	LP JTC-0114865	1/28/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-509	C	MBK Sales Order Confirmation for Contrast Lighting	LP JTC-0114866	LP JTC-0114866	1/28/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-510	C	Letter from MBK Enterprises to R. Pollett	LP JTC-0114867	LP JTC-0114867	2/4/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-511	C	Fax from R. Pollett to D.Lawitczak	LP JTC-0114868	LP JTC-0114868	1/25/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-512	C	Product Insert	LP JTC-0114869	LP JTC-0114869	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-513	C	Contrast Lighting Services Purchase Order	LP JTC-0114870	LP JTC-0114870	1/25/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-514	C	MBK Enterprises Contact Information	LP JTC-0114871	LP JTC-0114871	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-515	C	Fax from R. Pollett to D.Lawitczak	LP JTC-0114872	LP JTC-0114872	1/24/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-516	C	Product Literature	LP JTC-0114873	LP JTC-0114873	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-517	C	Letter from Rudy Pollett to MBK Enterprises re Open Account	LP JTC-0114874	LP JTC-0114874	1/24/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-518	C	Handwritten Notes	LP JTC-0114875	LP JTC-0114875	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-519	C	Handwritten Notes	LP JTC-0114876	LP JTC-0114876	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-520	C	MBK Enterprises Packing Slip	LP JTC-0114877	LP JTC-0114877	1/22/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-521	C	MBK Enterprises Quote to Contrast Lighting	LP JTC-0114878	LP JTC-0114878	1/16/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-522	C	Letter from MBK Enterprises, Inc. to J.Kanish re: Packaging List	LP JTC-0114879	LP JTC-0114879	1/10/2002	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-523	C	MBK Enterprises Picking Ticket Sample	LP JTC-0114880	LP JTC-0114880	1/29/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-524	C	BK Enterprises Inc. Picking Ticket	LP JTC-0114881	LP JTC-0114881	1/17/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-525	C	Customer Material Packing Slip	LP JTC-0114882	LP JTC-0114882	1/13/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-526	C	MBK Enterprises Contact Information	LP JTC-0114883	LP JTC-0114883	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-527	C	Letter from MBK Enterprises to P. Grosswendler re: Quote	LP JTC-0114884	LP JTC-0114884	10/30/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-528	C	Handwritten Notes	LP JTC-0114885	LP JTC-0114885	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-529	C	Schematic	LP JTC-0114886	LP JTC-0114886	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-530	C	Handwritten Notes	LP JTC-0114887	LP JTC-0114887	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-531	C	IEB Filters Contact Information	LP JTC-0114888	LP JTC-0114888	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-532	C	Fax from John Ful/C/IEB Filters	LP JTC-0114889	LP JTC-0114889	10/4/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-533	C	Letter from Contrast Lighting Services to J. Fuller	LP JTC-0114890	LP JTC-0114890	10/4/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-534	C	Letter from Jessie Friend to Rudy Pollett re Laminator Proposal	LP JTC-0114891	LP JTC-0114891	10/29/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-535	C	Schematic	LP JTC-0114892	LP JTC-0114892	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-536	C	Extended Heat Sinks for DCD/C Converters	LP JTC-0114893	LP JTC-0114893	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012

Exhibit No.	Conf. Description/Title	Date of Invention	Equivalent Name	Date	Purpose	Spouse's Witness(es) Entered into Evidence
CX-537	C Extruded Heat Sinks for DDC/DC Converters	LP_ITC-0114894	LP_ITC-0114894	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-538	C Extruded Heat Sinks for DDC/DC Converters	LP_ITC-0114896	LP_ITC-0114896	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-539	C Extruded Heat Sinks for DDC/DC Converters	LP_ITC-0114897	LP_ITC-0114897	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-540	C Wakefield Thermal Solutions, Inc.	LP_ITC-0114898	LP_ITC-0114898	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-541	C Schematic	LP_ITC-0114899	LP_ITC-0114899	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-542	C Schematic	LP_ITC-0114900	LP_ITC-0114900	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-543	C Schematic	LP_ITC-0114901	LP_ITC-0114901	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-544	C Schematic	LP_ITC-0114902	LP_ITC-0114902	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-546	C Schematic	LP_ITC-0114903	LP_ITC-0114903	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-547	C Schematic	LP_ITC-0114904	LP_ITC-0114904	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-548	C LM139/239/339, LM139A/239A/339A, LM2901, LM3302 Low Power Low Offset Voltage Quad Comparators	LP_ITC-0114905	LP_ITC-0114916	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-549	C Handwritten Notes	LP_ITC-0114917	LP_ITC-0114917	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-550	C Schematic	LP_ITC-0114918	LP_ITC-0114918	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-551	C Handwritten Notes	LP_ITC-0114919	LP_ITC-0114919	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-552	C WITHDRAWN					
CX-553	C Handwritten Notes	LP_ITC-0114921	LP_ITC-0114921	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-554	C Schematic	LP_ITC-0114922	LP_ITC-0114922	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-555	C Schematic	LP_ITC-0114923	LP_ITC-0114923	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-556	C Schematic	LP_ITC-0114924	LP_ITC-0114924	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-557	C Schematic	LP_ITC-0114925	LP_ITC-0114925	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-558	C LI 083/1/1 084/1/1 1085	LP_ITC-0114926	LP_ITC-0114941	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-559	C Advertisement: 3D Cam	LP_ITC-0114942	LP_ITC-0114942	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-560	C Handwritten Notes	LP_ITC-0114943	LP_ITC-0114943	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-561	C Advertisement: 3D Cam	LP_ITC-0114944	LP_ITC-0114944	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-562	C Advertisement: 3D Cam	LP_ITC-0114945	LP_ITC-0114945	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-563	C Fax from Ammer Design & Engineering Invoice to Contrast Lighting Services	LP_ITC-0114946	LP_ITC-0114946	10/11/2001	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-564	C Schematic	LP_ITC-0114947	LP_ITC-0114947	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-565	C Schematic	LP_ITC-0114948	LP_ITC-0114948	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-566	C Schematic	LP_ITC-0114949	LP_ITC-0114949	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-567	C Schematic	LP_ITC-0114950	LP_ITC-0114950	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-568	C Schematic	LP_ITC-0114951	LP_ITC-0114951	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-569	C Schematic: Ring Light	LP_ITC-0114952	LP_ITC-0114952	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-570	C Schematic: Ring Light	LP_ITC-0114953	LP_ITC-0114953	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-571	C Schematic: Ring Light	LP_ITC-0114954	LP_ITC-0114954	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-572	C Schematic: Ring Light	LP_ITC-0114955	LP_ITC-0114955	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-573	C Schematic: Ring Light	LP_ITC-0114956	LP_ITC-0114956	N/A	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-574	C Fax from Ammer Designs & Engineering to R. Pollett re: Drawings	LP_ITC-0114957	LP_ITC-0114957	10/10/2001	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-575	C WITHDRAWN					
CX-576	C Ammer Design & Engineering Quotation	LP_ITC-0114959	LP_ITC-0114959	9/4/2002	Conception/Reduction to Practice	Rudy Pollett 6/19/2012
CX-577	C Ammer Design & Engineering Invoice	LP_ITC-0114960	LP_ITC-0114960	6/22/2001	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-578	C Fax from Ammer Design & Engineering Fax to P. Grosswendt and R. Pollett re: Order	LP_ITC-0114961	LP_ITC-0114961	1/22/2001	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-579	C Ammer Design & Engineering Invoice	LP_ITC-0114962	LP_ITC-0114962	2/1/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-580	C Fax from Ammer Design & Engineering Fax to P. Grosswendt and R. Pollett re: Order	LP_ITC-0114963	LP_ITC-0114963	11/15/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-581	C Ammer Design & Engineering Invoice	LP_ITC-0114964	LP_ITC-0114964	8/3/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-582	C Fax from Ammer Design & Engineering Fax to P. Grosswendt and R. Pollett re: Order	LP_ITC-0114965	LP_ITC-0114965	6/29/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-583	C Ammer Design and Engineering Invoice to Contrast Lighting Services	LP_ITC-0114966	LP_ITC-0114966	6/22/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-584	C Ammer Design and Engineering Invoice to Contrast Lighting Services	LP_ITC-0114967	LP_ITC-0114967	8/23/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-585	C Fax from Contrast Lighting Services to P. Grosswendt re: Quote	LP_ITC-0114968	LP_ITC-0114968	4/28/2000	Conception/Reduction to Practice	Mike Wood 6/20/2012
CX-586	C Certificate of Liability Insurance	LP_ITC-0114969	LP_ITC-0114969	3/12/1999	Conception/Reduction to Practice	Mike Wood 6/20/2012

Exhibit No.	Cont.	Description/Title	Regulate Range	Regulate Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-587	C	Arner Design & Engineering Quotation	LP_ITC-0114970	LP_ITC-0114970	1/6/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-588	C	Fax from Contrast Lighting Services to P. Grosswendt re: Quote	LP_ITC-0114971	LP_ITC-0114971	1/6/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-589	C	Contact Information: Coast Wire	LP_ITC-0114972	LP_ITC-0114972	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-590	C	Coast Wire & Plastic Tech Inc. Wire, Cable & Tubing	LP_ITC-0114973	LP_ITC-0114973	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-591	C	Coast Wire & Plastic Tech Inc. Wire, Cable & Tubing	LP_ITC-0114974	LP_ITC-0114974	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-592	C	Coast Wire & Plastic Tech Inc. Wire, Cable & Tubing	LP_ITC-0114975	LP_ITC-0114975	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-593	C	Coast Wire & Plastic Tech Inc. Wire, Cable & Tubing	LP_ITC-0114976	LP_ITC-0114976	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-594	C	3-D Cam, Inc. Advertisement	LP_ITC-0114977	LP_ITC-0114977	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-595	C	3-D CAM, Inc.: Most Elegant Solutions for Any Kind of Rapid Prototype or Tooling	LP_ITC-0114978	LP_ITC-0114978	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-596	C	3D Cam: It's Amazing! The New Epoxy Stereo Lithography Resins Are Now 10 Times Better Than Perfect!	LP_ITC-0114979	LP_ITC-0114979	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-597	C	3-D CAM, Inc.: 2 Enhanced Build Styles	LP_ITC-0114980	LP_ITC-0114980	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-598	C	3-D CAM, Inc.: Stereolithography Applications in Plastic Processing	LP_ITC-0114981	LP_ITC-0114981	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-599	C	3-D CAM, Inc.: High Tech Perfection for Limited Productions Runs	LP_ITC-0114982	LP_ITC-0114982	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-600	C	3-D CAM, Inc.: The News of the Rapid Prototyping & Rapid Tooling Industry	LP_ITC-0114983	LP_ITC-0114983	00/00/1999	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-601	C	Advertisement: 3D Cam	LP_ITC-0114984	LP_ITC-0114984	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-602	C	3-D CAM, Inc. Report	LP_ITC-0114985	LP_ITC-0114985	00/00/1995	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-603	C	3-D CAM, Inc. Report	LP_ITC-0114986	LP_ITC-0114986	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-604	C	3-D CAM, Inc. Report	LP_ITC-0114987	LP_ITC-0114987	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-605	C	3-D CAM, Inc. Report	LP_ITC-0114988	LP_ITC-0114988	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-606	C	3-D CAM, Inc. Report	LP_ITC-0114989	LP_ITC-0114989	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-607	C	PAQ Re-ZAP Tool	LP_ITC-0114990	LP_ITC-0114990	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-608	C	3-D CAM, Inc.: File Transfer of the Internet FTP Transfer	LP_ITC-0114991	LP_ITC-0114991	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-609	C	Handwritten Notes	LP_ITC-0114992	LP_ITC-0114992	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-610	C	Fax from Rudy Pohlert to Romlin Varini Cover Letter	LP_ITC-0114993	LP_ITC-0114993	11/20/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-611	C	Schematic	LP_ITC-0114994	LP_ITC-0114994	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-612	C	Letter from Comcast Lighting Services to R Kariml	LP_ITC-0114995	LP_ITC-0114995	11/20/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-613	C	Fax from R. Pohlert to J. Puller re: Description for Process Filters	LP_ITC-0114996	LP_ITC-0114996	10/4/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-614	C	Letter from Comcast Lighting Services to J. Puller	LP_ITC-0114997	LP_ITC-0114997	10/4/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-615	C	Letter from Comcast Lighting Services to J. Puller	LP_ITC-0114998	LP_ITC-0114998	10/4/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-616	C	Sheet Metal Prototype & Production Invoice	LP_ITC-0114999	LP_ITC-0114999	3/12/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-617	C	The Cileap Video LED Light Shootout A& Frank Glencanin	LP_ITC-0158495	LP_ITC-0158504	1/2/2011	Validity; Kennedy/Bonding	Mike Wood	6/20/2012
CX-618	C	Nangung CN-1200H LED Studio Lighting Equipment, perfect for Photo and Video	LP_ITC-0159299	LP_ITC-0159507	2/27/2012	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-619	C	CN-126 amazon -Cameras-Digital-Camcorder	LP_ITC-0159311	LP_ITC-0159316	2/25/2012	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-620	C	Bi-color CN-Land200 Product Specifications	LP_ITC-0160300	LP_ITC-0160313	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-621	C	CL-LED256 Picture Product Specifications	LP_ITC-0160316	LP_ITC-0160318	2/29/2012	Infringement	Mike Wood	6/20/2012
CX-622	C	CL-LED600 Picture Product Specifications	LP_ITC-0160324	LP_ITC-0160327	2/29/2012	Infringement	Mike Wood	6/20/2012
CX-623	C	CL-LED1200B/ColorPicture Product Specifications	LP_ITC-0160332	LP_ITC-0160334	2/29/2012	Infringement	Mike Wood	6/20/2012
CX-624	C	CL-LED1200 Picture Product Specifications	LP_ITC-0160339	LP_ITC-0160340	2/29/2012	Infringement	Mike Wood	6/20/2012
CX-625	C	CN-48H Product Specifications	LP_ITC-0160357	LP_ITC-0160356	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-626	C	CN-70 Product Specifications	LP_ITC-0160370	LP_ITC-0160381	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-627	C	CN-16 Product Specifications	LP_ITC-0160382	LP_ITC-0160392	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-628	C	CN-126 Product Specifications	LP_ITC-0160393	LP_ITC-0160408	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-629	C	CN-140 Product Specifications	LP_ITC-0160399	LP_ITC-0160417	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-630	C	CN-160 Product Specifications	LP_ITC-0160409	LP_ITC-0160426	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-631	C	CN-183 Product Specifications	LP_ITC-0160418	LP_ITC-0160434	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-632	C	CN-228H Product Specifications	LP_ITC-0160427	LP_ITC-0160449	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-633	C	CN-240CH Bi-color Product Specifications	LP_ITC-0160435	LP_ITC-0160459	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-634	C	CN-600H Product Specifications	LP_ITC-0160450	LP_ITC-0160477	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-635	C	CN-600HP Product Specifications	LP_ITC-0160460	LP_ITC-0160467	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-636	C	CN-600HS Product Specifications	LP_ITC-0160468	LP_ITC-0160477	3/1/2012	Infringement	Mike Wood	6/20/2012

Exhibit No.	Cont. Description/Title	Base Case Range	Register Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-637	CN-900H Product Specifications	LP_ITC-0160478	LP_ITC-0160485	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-638	CN-900HS Product Specifications	LP_ITC-0160486	LP_ITC-0160494	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-639	CN-1200CH Product Specifications	LP_ITC-0160495	LP_ITC-0160503	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-640	CN-1200CHP Product Specifications	LP_ITC-0160504	LP_ITC-0160512	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-641	CN-1200CHS Product Specifications	LP_ITC-0160513	LP_ITC-0160522	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-642	CN-B144 Product Specifications	LP_ITC-0160523	LP_ITC-0160539	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-643	CN-LIX360 Product Specifications	LP_ITC-0160540	LP_ITC-0160550	2/29/2012	Infringement	Mike Wood	06/20/2012
CX-644	CN-LIX1500 Product Specifications	LP_ITC-0160551	LP_ITC-0160568	2/29/2012	Infringement	Mike Wood	06/20/2012
CX-645	F-LED98A Product Specifications	LP_ITC-0160569	LP_ITC-0160574	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-646	F-LED128A Product Specifications	LP_ITC-0160572	LP_ITC-0160578	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-647	F-LED209A Product Specifications	LP_ITC-0160575	LP_ITC-0160582	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-648	F-LED312AS Product Specifications	LP_ITC-0160583	LP_ITC-0160586	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-649	F-LED500A Product Specifications	LP_ITC-0160587	LP_ITC-0160590	3/1/2012	Infringement	Mike Wood	06/20/2012
CX-650	F-LED1000A Product Specifications	LP_ITC-0160591	LP_ITC-0160591	2/29/2012	Infringement	Mike Wood	06/20/2012
CX-651	HDV-296 Product Specifications	LP_ITC-0160591	LP_ITC-0160591	2/29/2012	Infringement	Mike Wood	06/20/2012
CX-652	WITHDRAWN						
CX-653	WITHDRAWN						
CX-654	WITHDRAWN						
CX-655	WITHDRAWN						
CX-656	WITHDRAWN						
CX-657	ID500 Specifications - Website	LP_ITC-0160603	LP_ITC-0160604	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-658	WITHDRAWN						
CX-659	WITHDRAWN						
CX-660	WITHDRAWN						
CX-661	WITHDRAWN						
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CX-664	WITHDRAWN						
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CX-686	WITHDRAWN						
CX-687	LS-LED120 2	LP_ITC-0160661	LP_ITC-0160663	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-688	LS-LED120	LP_ITC-0160664	LP_ITC-0160666	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-689	LS-LED500	LP_ITC-0160667	LP_ITC-0160669	3/1/2012	Infringement	Mike Wood	6/20/2012
CX-690	LS-LED1000	LP_ITC-0160670	LP_ITC-0160672	3/1/2012	Infringement	Mike Wood	6/20/2012

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
Investigation No. 337-17A-804
Lilepanis Inc. Lilepanis Ltd. CORRECTED Admitted Exhibits - Confidential and Public
August 8, 2012

Exhibit No.	Conf. Description/Title	Beneficial Range	Beneficial Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CK-691	MicroBeam128	LP_ITC-0160673	LP_ITC-0160675	2/29/2012	Infringement	Mike Wood	6/20/2012
CK-692	MicroBeam256	LP_ITC-0160676	LP_ITC-0160678	2/29/2012	Infringement	Mike Wood	6/20/2012
CK-693	MicroBeam512	LP_ITC-0160679	LP_ITC-0160681	2/29/2012	Infringement	Mike Wood	6/20/2012
CK-694	MicroBeam1024	LP_ITC-0160682	LP_ITC-0160684	2/29/2012	Infringement	Mike Wood	6/20/2012
CK-695	WITHDRAWN						
CK-696	WITHDRAWN						
CK-697	WITHDRAWN						
CK-698	WITHDRAWN						
CK-699	WITHDRAWN						
CK-700	WITHDRAWN						
CK-701	WITHDRAWN						
CK-702	WITHDRAWN						
CK-703	WITHDRAWN						
CK-704	R.Solowall Light	LP_ITC-0160718	LP_ITC-0160718	2/29/2012	Infringement	Mike Wood	6/20/2012
CK-705	STL-170MAX	LP_ITC-0160719	LP_ITC-0160720	3/1/2012	Infringement	Mike Wood	6/20/2012
CK-706	WITHDRAWN						
CK-707	Guangzhou Familyfoto Trade Co., Ltd. CN-26	LP_ITC-0160862	LP_ITC-0160872	3/2/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-708	Guangzhou Familyfoto Trade Co., Ltd. HOMEPAGE	LP_ITC-0160914	LP_ITC-0160917	3/2/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-709	(1) Who Sells Cowboystudio Powerful 900 LED Dimmable Video Light... Amazon.com_ ephoto 900 LED Dimmable Photography Video Camera DSLR 5400K_3200	LP_ITC-0161032	LP_ITC-0161054	2/29/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-710	Cowboy Studio Photography Lighting Studio Equipment Studio Accessories	LP_ITC-0161137	LP_ITC-0161141	2/29/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-711	Foodlux Professional Photography Supplies and Equipment	LP_ITC-0161171	LP_ITC-0161172	2/29/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-712	FPV1.144 Flashpoint 144 LED Video Light & Dimmer. Will blend temperature color	LP_ITC-0161189	LP_ITC-0161191	2/29/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-713		LP_ITC-0161192	LP_ITC-0161195	2/29/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-714	LED Suppliers Directory LED 1101	LP_ITC-0161229	LP_ITC-0161336	3/18/2009	Remedy/Bonding	Mike Wood	6/20/2012
CK-715	Article: Sweeten Your Lighting R.O.I from Technologies for Worship Magazine	LP_ITC-0162011	LP_ITC-0162015	01/00/2011	Validity	Mike Wood	6/20/2012
CK-716	Vidpro Professional Photo & Video LED Light Kit Z-96K B&H	LP_ITC-0162019	LP_ITC-0162020	2/29/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-717	Z-Flash Z96 LED Video Light Ft Canon 5D III II 7D 73i T4i 60D (Z-FLASH)	LP_ITC-0162021	LP_ITC-0162024	2/29/2012	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-718	Alicom Corp Homepage	LP_ITC-0162041	LP_ITC-0162042	3/5/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-719	Article: LED chipmaking boom fuels global overcapacity	LP_ITC-0162097	LP_ITC-0162100	3/5/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-720	Article: Desperate Housewives Magic Light	LP_ITC-0162116	LP_ITC-0162117	N/A	Validity	Ken Fisher	6/20/2012
CK-721	Energy-efficient lighting Compact fluorescent and LED lighting can reduce	LP_ITC-0162129	LP_ITC-0162134	6/1/2009	Validity	Ken Fisher	6/20/2012
CK-722	Article: LED IT B 144	LP_ITC-0162191	LP_ITC-0162192	3/5/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-723	Led Studio Light-Led Studio Light Manufacturers, Suppliers and Exporters on	LP_ITC-0162309	LP_ITC-0162319	8/7/2009	Remedy/Bonding	Mike Wood	6/20/2012
CK-724	LEDA Magazine - And the Entry goes to...Lilepanis' LED Fixtures	LP_ITC-0162348	LP_ITC-0162349	10/4/2010	Validity	Ken Fisher	6/20/2012
CK-725	LEDA Magazine - Bezel provides Lilepanis' LED Lighting Systems for all 2010	LP_ITC-0162350	LP_ITC-0162351		Validity	Ken Fisher	6/20/2012
CK-726	Lilepanis Case Study: The Pentagon	LP_ITC-0162379	LP_ITC-0162381	N/A	Validity	Ken Fisher	6/20/2012
CK-727	Lilepanis Case Study: White House Press Briefing Room	LP_ITC-0162382	LP_ITC-0162384	N/A	Validity	Ken Fisher	6/20/2012
CK-728	Lilepanis chosen for CNB's new London Studios	LP_ITC-0162385	LP_ITC-0162386	N/A	Validity	Ken Fisher	6/20/2012
CK-729	WITHDRAWN						
CK-730	Lilepanis Lighting Kits	LP_ITC-0162406	LP_ITC-0162408	9/1/2004	Validity	Mike Wood	6/20/2012
CK-731	Lilepanis Lights The Defenders	LP_ITC-0162409	LP_ITC-0162410	N/A	Validity	Ken Fisher	6/20/2012
CK-732	Lilepanis Lights the Pentagon Briefing Room	LP_ITC-0162411	LP_ITC-0162412	N/A	Validity	Mike Wood	6/20/2012
CK-733	WITHDRAWN						
CK-734	The Academy of Television Arts & Sciences has announced four recipients of the 2005 Primetime Emmy Engineering Awards	LP_ITC-0162346	LP_ITC-0162347	9/12/2005	Validity	Ken Fisher	6/20/2012
CK-735	Points East, 8-1-2007, John Calhoun, American Chemistographer	LP_ITC-0162485	LP_ITC-0162487	08/00/2007	Validity	Mike Wood	6/20/2012
CK-736	Press Release - LED Lighting Now Being Used in the Film Industry	LP_ITC-0162488	LP_ITC-0162490	3/26/2011	Validity	Mike Wood	6/20/2012
CK-737	Product & Service Category Results	LP_ITC-0162491	LP_ITC-0162492	3/5/2012	Remedy/Bonding	Mike Wood	6/20/2012
CK-738	Rodney Charis Lilepanis Works 24	LP_ITC-0162494	LP_ITC-0162495	N/A	Validity	Mike Wood	6/20/2012

Exhibit No.	Confidentiality	Description/Title	Best-Price Range	Best-Price Range	Date	Purpose	Sponsoring Witness(s)	Entered into Evidence
CX-739		Sly Italia Taps Lipopanelis for Olympics Studio	LP_ITC-0162530	LP_ITC-0162531	N/A	Validity	Ken Fisher	6/20/2012
CX-740		Strategically Speaking - Chinese LED manufacturing More Than Just LEDs	LP_ITC-0162532	LP_ITC-0162533	11/00/2011	Remy/Bonding	Mike Wood	6/20/2012
CX-741		Wholesale LED Studio Light - Buy China Wholesale LED Studio Light from China	LP_ITC-0162572	LP_ITC-0162575	3/5/2012	Remy/Bonding	Mike Wood	6/20/2012
CX-742		WITHDRAWN						
CX-743		600 LED studio light panel	LP_ITC-0162838	LP_ITC-0162839	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-744		LEDGO - Reviews & Brand Information - Shenzhen City Nanguang Photographic Equip	LP_ITC-0162883	LP_ITC-0162884	N/A	Remy/Bonding	Rudy Pohlet	6/19/2012
CX-745		Shenzhen Announces Policies to Support LED Industry (flickr.com)	LP_ITC-0162888	LP_ITC-0162888	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-746		Studio Led Lighting-Studio Led Lighting Manufacturers, Suppliers and Exporte	LP_ITC-0162849	LP_ITC-0162838	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-747		001D1500QSG Product Specifications	LP_ITC-0162859	LP_ITC-0162859	N/A	Infringement	Mike Wood	6/20/2012
CX-748		IB1500 500 Dual Color LED Studio Light Item	LP_ITC-0162860	LP_ITC-0162861	N/A	Infringement	Mike Wood	6/20/2012
CX-749		IB1500 500 Dual Color LED Studio Light Item Specifications	LP_ITC-0162862	LP_ITC-0162863	N/A	Infringement	Mike Wood	6/20/2012
CX-750		IB1500QSG Product Specifications	LP_ITC-0162864	LP_ITC-0162867	N/A	Infringement	Mike Wood	6/20/2012
CX-751		IB1508 508 Dual-Color LED Studio Light Item	LP_ITC-0162866	LP_ITC-0162869	N/A	Infringement	Mike Wood	6/20/2012
CX-752		IB1508 508 Dual-Color LED Studio Light Item Specifications	LP_ITC-0162870	LP_ITC-0162871	N/A	Infringement	Mike Wood	6/20/2012
CX-753		IB1508QSG Product Specifications	LP_ITC-0162872	LP_ITC-0162875	N/A	Infringement	Mike Wood	6/20/2012
CX-754		IB1000 1000 Dual-Color LED Studio Light Item	LP_ITC-0162876	LP_ITC-0162878	N/A	Infringement	Mike Wood	6/20/2012
CX-755		IB1000 1000 Dual-Color LED Studio Light Item Accessories	LP_ITC-0162878	LP_ITC-0162880	N/A	Infringement	Mike Wood	6/20/2012
CX-756		IB1000 1000 Dual-Color LED Studio Light Item Specifications	LP_ITC-0162879	LP_ITC-0162883	N/A	Infringement	Mike Wood	6/20/2012
CX-757		IB1000QSG Product Specifications	LP_ITC-0162884	LP_ITC-0162885	N/A	Infringement	Mike Wood	6/20/2012
CX-758		IB1500 1500 Dual Color LED Studio Light Item	LP_ITC-0162886	LP_ITC-0162887	N/A	Infringement	Mike Wood	6/20/2012
CX-759		IB1500 1500 Dual Color LED Studio Light Item Accessories	LP_ITC-0162886	LP_ITC-0162887	N/A	Infringement	Mike Wood	6/20/2012
CX-760		IB1500 1500 Dual Color LED Studio Light Item Specifications	LP_ITC-0162888	LP_ITC-0162889	N/A	Infringement	Mike Wood	6/20/2012
CX-761		IB1500QSG	LP_ITC-0162890	LP_ITC-0162890	N/A	Infringement	Mike Wood	6/20/2012
CX-762		IB1508 508 LED Studio Light Item	LP_ITC-0162891	LP_ITC-0162892	N/A	Infringement	Mike Wood	6/20/2012
CX-763		IB1508 508 LED Studio Light Item Accessories	LP_ITC-0162893	LP_ITC-0162894	N/A	Infringement	Mike Wood	6/20/2012
CX-764		IB1508 508 LED Studio Light Item Specifications	LP_ITC-0162895	LP_ITC-0162896	N/A	Infringement	Mike Wood	6/20/2012
CX-765		IB1508QSG	LP_ITC-0162897	LP_ITC-0162897	N/A	Infringement	Mike Wood	6/20/2012
CX-766		IB1500 1500 LED Studio Light Item	LP_ITC-0162898	LP_ITC-0162899	N/A	Infringement	Mike Wood	6/20/2012
CX-767		IB1500 1500 LED Studio Light Item Accessories	LP_ITC-0162900	LP_ITC-0162901	N/A	Infringement	Mike Wood	6/20/2012
CX-768		IB1500 1500 LED Studio Light Item Specifications	LP_ITC-0162902	LP_ITC-0162903	N/A	Infringement	Mike Wood	6/20/2012
CX-769		Spectral Tests 2-28-12 Foodkor.xlsx	LP_ITC-0163094	LP_ITC-0163094	N/A	Infringement	Mike Wood	6/20/2012
CX-770		Spectral Tests 3-21-12 Nantung	LP_ITC-0163095	LP_ITC-0163095	N/A	Infringement	Mike Wood	6/20/2012
CX-771		Spectral Tests 3-22-12 F&V	LP_ITC-0163096	LP_ITC-0163096	N/A	Infringement	Mike Wood	6/20/2012
CX-772		Spectral Tests 3-21-12 Ikan	LP_ITC-0163097	LP_ITC-0163097	N/A	Infringement	Mike Wood	6/20/2012
CX-773		Spectral Tests 3-22-12 Foliight	LP_ITC-0163097	LP_ITC-0163097	N/A	Infringement	Mike Wood	6/20/2012
CX-774		Chicago Miniature Lighting LLC	LP_ITC-0163099	LP_ITC-0163099	N/A	Conception/Education to Practice	Mike Wood	6/20/2012
CX-775		Chicago Miniature Lighting LLC	LP_ITC-0163100	LP_ITC-0163102	N/A	Conception/Education to Practice	Rudy Pohlet	6/20/2012
CX-776		Standard LED - Through Hole	LP_ITC-0163103	LP_ITC-0163104	N/A	Conception/Education to Practice	Mike Wood	6/20/2012
CX-777		Letter to James Holbein from Stellar Lighting	LP_ITC-0163105	LP_ITC-0163106	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-778		Video Production Tips - Using DSLR Cameras for Video	LP_ITC-0163107	LP_ITC-0163110	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-779		Website http://www.yunuo-led.com/news/show.asp?id=139	LP_ITC-0163111	LP_ITC-0163111	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-780		http://expo.mashow.com/~wz012/public/zh/LEDExhibitionsSearch	LP_ITC-0163112	LP_ITC-0163114	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-781		Conyborstudio 600 LED Dimmable Photography Video Panel Light, Bi color, CN-600H LED	LP_ITC-0163115	LP_ITC-0163117	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-782		Lipopanelis - Spotlight - Bundle - with Lipopanelis Adapter Plate for Anton Bauer Gold Series Batteries, Anton Bauer Logic Series NMH Battery	LP_ITC-0163118	LP_ITC-0163120	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-783		Buy com - Lipopanelis Micro Macro Video Light	LP_ITC-0163121	LP_ITC-0163123	N/A	Remy/Bonding	Mike Wood	6/20/2012
CX-784		9th China International Exhibition and Search	LP_ITC-0163124	LP_ITC-0163125	7/7/2011	Remy/Bonding	Mike Wood	6/20/2012
CX-785		Stellar STL-112 Light Block Modular LED Array + Magneto Filters & Barn Door - FS	LP_ITC-0163126	LP_ITC-0163128	N/A	Remy/Bonding	Mike Wood	6/20/2012

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Investigation No. 337-TA-804
 Lilepanels Inc. Lilepanels Ltd. CORRECTED Admitted Exhibits - Confidential and Public
 August 6, 2012

Exhibit No.	Conf. Description/Title	Begin/End Range	Begin/End Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-787	KODAK VISION3 500T Color Negative Fil 5219/7219/60-219	LP_ITC-0163130	LP_ITC-0163135	N/A	Technical Background, Infringement, Validity	Mike Wood	6/20/2012
CX-788	Spectral Tests 3-21-12 Stellarisrisc	LP_ITC-0163137	LP_ITC-0163137	N/A	Infringement	Mike Wood	6/20/2012
CX-789	WITHDRAWN						
CX-790	WITHDRAWN						
CX-791	WITHDRAWN						
CX-792	Color Rendition Chart: R&V Z-Flash	LP_ITC-0163424	LP_ITC-0163424	N/A	Infringement	Mike Wood	6/20/2012
CX-793	Color Rendition Chart: Han LED155	LP_ITC-0163425	LP_ITC-0163425	N/A	Infringement	Mike Wood	6/20/2012
CX-794	Color Rendition Chart: Han LED312 3200	LP_ITC-0163426	LP_ITC-0163426	N/A	Infringement	Mike Wood	6/20/2012
CX-795	Color Rendition Chart: Han LED312 5600	LP_ITC-0163427	LP_ITC-0163427	N/A	Infringement	Mike Wood	6/20/2012
CX-796	WITHDRAWN						
CX-797	Color Rendition Chart: Lilepanels 1x1 5600 Flood	LP_ITC-0163430	LP_ITC-0163430	N/A	Infringement	Mike Wood	6/20/2012
CX-798	Color Rendition Chart: Lilepanels Chroma 3200	LP_ITC-0163433	LP_ITC-0163433	N/A	Infringement	Mike Wood	6/20/2012
CX-799	Color Rendition Chart: Lilepanels Chroma 5600	LP_ITC-0163434	LP_ITC-0163434	N/A	Infringement	Mike Wood	6/20/2012
CX-800	Color Rendition Chart: Lilepanels Micro	LP_ITC-0163435	LP_ITC-0163435	N/A	Infringement	Mike Wood	6/20/2012
CX-801	Color Rendition Chart: Lilepanels Mini Plus Daylight	LP_ITC-0163437	LP_ITC-0163437	N/A	Infringement	Mike Wood	6/20/2012
CX-802	WITHDRAWN						
CX-803	WITHDRAWN						
CX-804	Color Rendition Chart: Nanguang CN160	LP_ITC-0163441	LP_ITC-0163441	N/A	Infringement	Mike Wood	6/20/2012
CX-805	Color Rendition Chart: Nanguang CN-240CH 3200	LP_ITC-0163442	LP_ITC-0163442	N/A	Infringement	Mike Wood	6/20/2012
CX-806	WITHDRAWN						
CX-807	Color Rendition Chart: Nanguang CN-1200CHS 3200	LP_ITC-0163444	LP_ITC-0163444	N/A	Infringement	Mike Wood	6/20/2012
CX-808	WITHDRAWN						
CX-809	Color Rendition Chart: Promper Microbeam 256	LP_ITC-0163446	LP_ITC-0163446	N/A	Infringement	Mike Wood	6/20/2012
CX-810	WITHDRAWN						
CX-811	Color Rendition Chart: Stellar 95D	LP_ITC-0163448	LP_ITC-0163448	N/A	Infringement	Mike Wood	6/20/2012
CX-812	Arpad A. Bergh: A View on the Future of Solid State Lighting	LP_ITC-0163535	LP_ITC-0163535	11/11/2003	Validity	Mike Wood	6/20/2012
CX-813	Cool Lights USA News & Information	LP_ITC-0163557	LP_ITC-0163556	2/12/2009	Validity	Mike Wood	6/20/2012
CX-814	LEDs A Descriptive Technology	LP_ITC-0163569	LP_ITC-0163569	4/2/2012	Validity	Mike Wood	6/20/2012
CX-815	NAB 2004 Best of Show Award Winners Announced	LP_ITC-0163570	LP_ITC-0163574	4/2/2012	Validity	Rudy Pohlet	6/19/2012
CX-816	Website: Sound & Video Contractor The Buzz, Industry News	LP_ITC-0163575	LP_ITC-0163577	4/2/2012	Validity	Rudy Pohlet	6/19/2012
CX-817	Website: The 2004 Vanguard - www.creativeplanetnetwork.com	LP_ITC-0163578	LP_ITC-0163581	4/2/2012	Validity	Rudy Pohlet	6/19/2012
CX-818	Article: NASA To Receive Prestigious Philo T. Farnsworth Award At The 61st Primetime	LP_ITC-0163582	LP_ITC-0163583	4/2/2012	Validity	Ken Fisher	6/20/2012
CX-819	April 2004 Ari News Letter	LP_ITC-0163584	LP_ITC-0163585	11/9/2009	Validity	Mike Wood	6/20/2012
CX-820	Article: "Wireless"	LP_ITC-0074563	LP_ITC-0074571	N/A	Validity	Ken Fisher	6/20/2012
CX-821	CL-LED1200 1200 LED Bi-Color Panel - Cool Lights USA	LP_ITC-0158509	LP_ITC-0158512	N/A	Infringement	Mike Wood	6/20/2012
CX-822	Lilepanels 1x1 Bi-Color	LP_ITC-0162597	LP_ITC-0162599	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-823	Lilepanels 1x1 Standard	LP_ITC-0162606	LP_ITC-0162608	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-824	Lilepanels Chroma	LP_ITC-0162611	LP_ITC-0162612	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-825	Lilepanels Micro	LP_ITC-0162616	LP_ITC-0162618	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-826	Lilepanels MicroPro	LP_ITC-0162616	LP_ITC-0162618	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-827	Lilepanels MiniPlus	LP_ITC-0162622	LP_ITC-0162625	N/A	Technical Domestic Industry	Rudy Pohlet	6/19/2012
CX-828	CV of Mike Wood and List of Publications (Appendix A)	N/A	N/A	N/A	Expert Qualifications	Mike Wood	6/20/2012
CX-829	WITHDRAWN						
CX-830	WITHDRAWN						
CX-831	WITHDRAWN						
CX-832	WITHDRAWN						
CX-833	WITHDRAWN						
CX-834	WITHDRAWN						
CX-835	WITHDRAWN						
CX-836	WITHDRAWN						

Exhibit No.	Content Description of Exhibit	Relevancy	Relevancy	Date	Part of	Sponsoring Witness(es)	Entered Into Evidence
CX-837	WITHDRAWN	LP_ITC-0114758	LP_ITC-0114758	11/1/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-838	WITHDRAWN	LP_ITC-0114759	LP_ITC-0114759	10/24/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-839	WITHDRAWN	LP_ITC-0114761	LP_ITC-0114761	4/20/2001	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-840	WITHDRAWN	LP_ITC-0114762	LP_ITC-0114762	4/20/2001	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-841	WITHDRAWN	LP_ITC-0114763	LP_ITC-0114763	4/4/2001	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-842	WITHDRAWN	LP_ITC-0114765	LP_ITC-0114765	2/28/2001	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-843	WITHDRAWN	LP_ITC-0114766	LP_ITC-0114766	2/28/2001	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-844	WITHDRAWN	LP_ITC-0114767	LP_ITC-0114767	9/1/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-845	WITHDRAWN	LP_ITC-0114770	LP_ITC-0114770	5/31/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-846	WITHDRAWN	LP_ITC-0114771	LP_ITC-0114771	4/28/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-847	WITHDRAWN	LP_ITC-0114772	LP_ITC-0114772	3/22/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-848	WITHDRAWN	LP_ITC-0114773	LP_ITC-0114773	2/18/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-849	WITHDRAWN	LP_ITC-0114774	LP_ITC-0114774	2/9/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-850	WITHDRAWN	LP_ITC-0114775	LP_ITC-0114775	1/13/2000	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-851	WITHDRAWN	LP_ITC-0114776	LP_ITC-0114776	1/18/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-852	WITHDRAWN	LP_ITC-0114777	LP_ITC-0114777	1/28/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-853	WITHDRAWN	LP_ITC-0114778	LP_ITC-0114778	1/31/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-854	WITHDRAWN	LP_ITC-0114779	LP_ITC-0114779	7/22/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-855	WITHDRAWN	LP_ITC-0114781	LP_ITC-0114781	12/18/01/99	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-856	WITHDRAWN	LP_ITC-0114782	LP_ITC-0114782	3/16/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-857	WITHDRAWN	LP_ITC-0114783	LP_ITC-0114783	10/28/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-858	WITHDRAWN	LP_ITC-0114784	LP_ITC-0114784	10/23/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-859	WITHDRAWN	LP_ITC-0114786	LP_ITC-0114786	4/27/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-860	WITHDRAWN	LP_ITC-0114788	LP_ITC-0114788	3/31/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-861	WITHDRAWN	LP_ITC-0114792	LP_ITC-0114792	2/10/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-862	WITHDRAWN	LP_ITC-0114795	LP_ITC-0114795	10/29/1998	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-863	WITHDRAWN	LP_ITC-0114797	LP_ITC-0114797	10/26/1998	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-864	WITHDRAWN	LP_ITC-0114805	LP_ITC-0114805	3/15/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-865	WITHDRAWN	LP_ITC-0114808	LP_ITC-0114808	1/15/1999	Conception/Reduction to Practice	Rudy Pohlet	6/20/2012
CX-866	WITHDRAWN	LP_ITC-0114812	LP_ITC-0114812	1/11/21/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-867	WITHDRAWN	LP_ITC-0114820	LP_ITC-0114820	N/A	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-868	WITHDRAWN	LP_ITC-0114825	LP_ITC-0114825	2/23/1999	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-869	WITHDRAWN	LP_ITC-0114920	LP_ITC-0114920	10/12/2000	Conception/Reduction to Practice	Rudy Pohlet	6/19/2012
CX-870	WITHDRAWN	LP_ITC-0114958	LP_ITC-0114958	10/10/2001	Conception/Reduction to Practice	Mike Wood	6/20/2012
CX-871	WITHDRAWN	LP_ITC-0028352	LP_ITC-0028352	3/11/1999	Conception/Reduction to Practice	Rudy Pohlet; Mike Wood	6/20/2012

Exhibit No.	Cont.	Description/Title	Bag/Bales Range	Bag/Bales Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CK-889	C	WITHDRAWN						
CK-890	C	WITHDRAWN						
CK-891	C	WITHDRAWN						
CK-892	C	WITHDRAWN						
CK-893	C	DN Labs Invoice to Major Science Industries	LP JTC-0115064	LP JTC-0115064	12/9/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-894	C	Precision Design Services Invoice to Contrast L	LP JTC-0115065	LP JTC-0115065	6/12/2000	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-895	C	WITHDRAWN						
CK-896	C	DN Labs Inc Invoice	LP JTC-0130998	LP JTC-0130998	5/31/2000	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-897	C	DN Labs Inc Invoice	LP JTC-0130916	LP JTC-0130916	5/21/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-898	C	DN Labs Inc Invoice	LP JTC-0130917	LP JTC-0130917	10/28/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-899	C	DN Labs Inc Invoice	LP JTC-0130921	LP JTC-0130921	3/4/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-900	C	DN Labs Inc Invoice	LP JTC-0130926	LP JTC-0130926	1/25/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-901	C	DN Labs Inc Invoice	LP JTC-0130927	LP JTC-0130927	1/4/1999	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-902	C	DN Labs Inc Invoice to Contrast Lighting Services, Inc.	LP JTC-0130928	LP JTC-0130928	9/14/1998	Conception/Reduction to Practice	Rudy Pohlert	6/19/2012
CK-903	C	WITHDRAWN						
CK-904	C	WITHDRAWN						
CK-905	C	WITHDRAWN						
CK-906	C	WITHDRAWN						
CK-907	C	WITHDRAWN						
CK-908	C	WITHDRAWN						
CK-909	C	WITHDRAWN						
CK-910	C	WITHDRAWN						
CK-911	C	WITHDRAWN						
CK-912	C	WITHDRAWN						
CK-913	C	WITHDRAWN						
CK-914	C	WITHDRAWN						
CK-915	C	WITHDRAWN						
CK-916	C	WITHDRAWN						
CK-917	C	WITHDRAWN						
CK-918	C	WITHDRAWN						
CK-919	C	WITHDRAWN						
CK-920	C	WITHDRAWN						
CK-921	C	WITHDRAWN						
CK-922	C	WITHDRAWN						
CK-923	C	WITHDRAWN						
CK-924	C	WITHDRAWN						
CK-925	C	WITHDRAWN						
CK-926	C	WITHDRAWN						
CK-927	C	WITHDRAWN						
CK-928	C	WITHDRAWN						
CK-929	C	WITHDRAWN						
CK-930	C	WITHDRAWN						
CK-931	C	WITHDRAWN						
CK-932	C	WITHDRAWN						
CK-933	C	WITHDRAWN						
CK-934	C	WITHDRAWN						
CK-935	C	WITHDRAWN						
CK-936	C	WITHDRAWN						
CK-937	C	WITHDRAWN						
CK-938	C	EVS Online Stellar 170MAX Professional LED On-Camera Light Manual	LP JTC-0159682	LP JTC-0159683	N/A	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-939	C	STL-170MAX stellar light systems Manual	LP JTC-0159686	LP JTC-0159687	N/A	Infringement; Remedy/Bonding	Mike Wood	6/20/2012
CK-940	C	WITHDRAWN						
CK-941	C	WITHDRAWN						

Exhibit No.	Conf.	Description/Title	Package Range	Package Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-942		CL-LED1200 Manual	LP_ITC-0159688	LP_ITC-0159695	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-943		CL-LED256 Manual	LP_ITC-0159704	LP_ITC-0159713	00/00/2009	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-944		CL-LED600 Manual	LP_ITC-0159714	LP_ITC-0159724	N/A	Infringement; Kennedy/Bonding	Mike Wood	6/20/2012
CX-945	C	WITHDRAWN						
CX-946		WITHDRAWN						
CX-947		WITHDRAWN						
CX-948		WITHDRAWN						
CX-949		WITHDRAWN						
CX-950		WITHDRAWN						
CX-951		WITHDRAWN						
CX-952		WITHDRAWN						
CX-953		WITHDRAWN						
CX-954		WITHDRAWN						
CX-955		Schematic: Endcap Cuplight	PPFLITC0000048	PPFLITC0000048	N/A	Infringement	Rudy Pohler	6/19/2012
CX-956		WITHDRAWN						
CX-957		WITHDRAWN						
CX-958		WITHDRAWN						
CX-959		WITHDRAWN						
CX-960		WITHDRAWN						
CX-961		WITHDRAWN						
CX-962		WITHDRAWN						
CX-963		Video: E-test Inspection by Respondents	PP_VID001	PP_VID001	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-964	C	Lithium Photo-Facility Specification	YY00584	YY000598	N/A	Infringement	Mike Wood	6/20/2012
CX-965		WITHDRAWN						
CX-966		WITHDRAWN						
CX-967	C	WITHDRAWN						
CX-968	C	WITHDRAWN						
CX-969		HDI-Z96 Video Light User Guide	FV_ITC-0000001	FV_ITC-0000008	N/A	Infringement	Mike Wood	6/20/2012
CX-970		WITHDRAWN						
CX-971		WITHDRAWN						
CX-972	C	WITHDRAWN						
CX-973		WITHDRAWN						
CX-974		WITHDRAWN						
CX-975		WITHDRAWN						
CX-976		WITHDRAWN						
CX-977		WITHDRAWN						
CX-978		WITHDRAWN						
CX-979		WITHDRAWN						
CX-980		WITHDRAWN						
CX-981		WITHDRAWN						
CX-982		WITHDRAWN						
CX-983		WITHDRAWN						
CX-984		WITHDRAWN						
CX-985		WITHDRAWN						
CX-986	C	WITHDRAWN						
CX-987	C	WITHDRAWN						
CX-988	C	WITHDRAWN						
CX-989	C	WITHDRAWN						
CX-990	C	WITHDRAWN						
CX-991	C	WITHDRAWN						
CX-992	C	WITHDRAWN						

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Investigation No. 337-TA-804
 Litepanels Inc. Litepanels Ltd. CORRECTED Admitted Exhibits - Confidential and Public
 August 6, 2012

Exhibit No.	Conf.	Description/Title	Reg. Part Name	Reg. Part Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-993		Flight Microbeam 256 Technical Specifications	PPFLITC000018	PPFLITC000018	N/A	Infringement	Mike Wood	6/20/2012
CX-995		Flight Microbeam 256 Technical Specifications	PPFLITC000020	PPFLITC000020	N/A	Infringement	Mike Wood	6/20/2012
CX-997	C	Flight Microbeam 128 Technical Specifications	PPFLITC001002	PPFLITC001007	N/A	Infringement	Mike Wood	6/20/2012
CX-998	C	Flight Microbeam 512 Technical Specifications	PPFLITC001008	PPFLITC001013	N/A	Infringement	Mike Wood	6/20/2012
CX-999	C	WITHDRAWN						
CX-1000	C	WITHDRAWN						
CX-1001	C	WITHDRAWN						
CX-1002	C	WITHDRAWN						
CX-1003	C	WITHDRAWN						
CX-1004	C	WITHDRAWN						
CX-1005	C	WITHDRAWN						
CX-1006	C	WITHDRAWN						
CX-1007	C	WITHDRAWN						
CX-1008	C	WITHDRAWN						
CX-1009	C	WITHDRAWN						
CX-1010	C	WITHDRAWN						
CX-1011	C	WITHDRAWN						
CX-1012	C	WITHDRAWN						
CX-1013	C	WITHDRAWN						
CX-1014	C	WITHDRAWN						
CX-1015	C	WITHDRAWN						
CX-1016	C	WITHDRAWN						
CX-1017	C	WITHDRAWN						
CX-1018	C	WITHDRAWN						
CX-1019	C	WITHDRAWN						
CX-1020	C	WITHDRAWN						
CX-1021	C	WITHDRAWN						
CX-1022	C	WITHDRAWN						
CX-1023	C	WITHDRAWN						
CX-1024	C	WITHDRAWN						
CX-1025	C	WITHDRAWN						
CX-1026	C	WITHDRAWN						
CX-1027	C	WITHDRAWN						
CX-1028	C	WITHDRAWN						
CX-1029	C	WITHDRAWN						
CX-1030	C	WITHDRAWN						
CX-1031	C	WITHDRAWN						
CX-1032	C	WITHDRAWN						
CX-1033	C	WITHDRAWN						
CX-1034	C	WITHDRAWN						
CX-1035	C	WITHDRAWN						
CX-1036	C	WITHDRAWN						
CX-1037	C	WITHDRAWN						
CX-1038	C	WITHDRAWN						
CX-1039	C	WITHDRAWN						
CX-1040	C	WITHDRAWN						
CX-1041	C	WITHDRAWN						
CX-1042	C	WITHDRAWN						
CX-1043	C	WITHDRAWN						
CX-1044	C	WITHDRAWN						
CX-1045	C	WITHDRAWN						
CX-1046	C	WITHDRAWN						

Exhibit No.	Conf.	Description/Title	Rebates Range	Rebates Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-1047	C	WITHDRAWN						
CX-1048	C	WITHDRAWN						
CX-1049	C	WITHDRAWN						
CX-1050	C	WITHDRAWN						
CX-1051	C	WITHDRAWN						
CX-1052	C	WITHDRAWN						
CX-1053	C	WITHDRAWN						
CX-1054	C	WITHDRAWN						
CX-1055	C	WITHDRAWN						
CX-1056	C	WITHDRAWN						
CX-1057	C	WITHDRAWN						
CX-1058	C	WITHDRAWN						
CX-1059	C	WITHDRAWN						
CX-1060	C	WITHDRAWN						
CX-1061	C	WITHDRAWN						
CX-1062	C	WITHDRAWN						
CX-1063	C	WITHDRAWN						
CX-1064	C	WITHDRAWN						
CX-1065	C	WITHDRAWN						
CX-1066	C	WITHDRAWN						
CX-1067	C	WITHDRAWN						
CX-1068	C	WITHDRAWN						
CX-1069	C	WITHDRAWN						
CX-1070	C	WITHDRAWN						
CX-1071	C	WITHDRAWN						
CX-1072	C	WITHDRAWN						
CX-1073	C	WITHDRAWN						
CX-1074	C	WITHDRAWN						
CX-1075	C	WITHDRAWN						
CX-1076	C	WITHDRAWN						
CX-1077	C	WITHDRAWN						
CX-1078	C	WITHDRAWN						
CX-1079	C	WITHDRAWN						
CX-1080	C	WITHDRAWN						
CX-1081	C	WITHDRAWN						
CX-1082	C	WITHDRAWN						
CX-1083	C	WITHDRAWN						
CX-1084	C	WITHDRAWN						
CX-1085	C	WITHDRAWN						
CX-1086	C	WITHDRAWN						
CX-1087	C	WITHDRAWN						
CX-1088	C	WITHDRAWN						
CX-1089	C	WITHDRAWN						
CX-1090	C	WITHDRAWN						
CX-1091	C	WITHDRAWN						
CX-1092	C	WITHDRAWN						
CX-1093	C	WITHDRAWN						
CX-1094	C	WITHDRAWN						
CX-1095	C	WITHDRAWN						
CX-1096	C	WITHDRAWN						
CX-1097	C	WITHDRAWN						
CX-1098	C	WITHDRAWN						
CX-1099	C	WITHDRAWN						
CX-1100	C	WITHDRAWN						

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Investigation No. 317-TA-804
 Liepanets Inc. Liepanets Ltd. CORRECTED Admitted Exhibits - Confidential and Public
 August 6, 2012

Exhibit No.	Conf.	Description/Title	Be-Bars Range	Be-Data Range	Date	Purpose	Source/Where Entered Info
CX-1101	C	WITHDRAWN					
CX-1102	C	WITHDRAWN					
CX-1103	C	WITHDRAWN					
CX-1104	C	WITHDRAWN					
CX-1105	C	WITHDRAWN					
CX-1106	C	WITHDRAWN					
CX-1107	C	WITHDRAWN					
CX-1108	C	WITHDRAWN					
CX-1109	C	WITHDRAWN					
CX-1110	C	WITHDRAWN					
CX-1111	C	WITHDRAWN					
CX-1112	C	WITHDRAWN					
CX-1113	C	WITHDRAWN					
CX-1114	C	WITHDRAWN					
CX-1115	C	WITHDRAWN					
CX-1116	C	WITHDRAWN					
CX-1117	C	WITHDRAWN					
CX-1118	C	WITHDRAWN					
CX-1119	C	WITHDRAWN					
CX-1120	C	WITHDRAWN					
CX-1121	C	WITHDRAWN					
CX-1122	C	WITHDRAWN					
CX-1123	C	WITHDRAWN					
CX-1124	C	WITHDRAWN					
CX-1125	C	WITHDRAWN					
CX-1126	C	WITHDRAWN					
CX-1127	C	WITHDRAWN					
CX-1128	C	WITHDRAWN					
CX-1129	C	WITHDRAWN					
CX-1130	C	WITHDRAWN					
CX-1131	C	WITHDRAWN					
CX-1132	C	WITHDRAWN					
CX-1133	C	WITHDRAWN					
CX-1134	C	WITHDRAWN					
CX-1135	C	WITHDRAWN					
CX-1136	C	WITHDRAWN					
CX-1137	C	WITHDRAWN					
CX-1138	C	WITHDRAWN					
CX-1139	C	WITHDRAWN					
CX-1140	C	WITHDRAWN					
CX-1141	C	WITHDRAWN					
CX-1142	C	WITHDRAWN					
CX-1143	C	WITHDRAWN					
CX-1144	C	WITHDRAWN					
CX-1145	C	WITHDRAWN					
CX-1146	C	WITHDRAWN					
CX-1147	C	WITHDRAWN					
CX-1148	C	WITHDRAWN					
CX-1149	C	WITHDRAWN					
CX-1150	C	WITHDRAWN					
CX-1151	C	WITHDRAWN					
CX-1152	C	WITHDRAWN					
CX-1153	C	WITHDRAWN					
CX-1154	C	WITHDRAWN					

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Investigation No. 337-TA-304
 August 9, 2012
 Lilepanets Inc. Lilepanets Ltd. CORRECTED Admitted Exhibits - Confidential and Public

Exhibit No.	Cont.	Description/Title	Revised Range	Original Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-1155	C	WITHDRAWN						
CX-1156	C	WITHDRAWN						
CX-1157	C	WITHDRAWN						
CX-1158	C	WITHDRAWN						
CX-1159	C	WITHDRAWN						
CX-1160	C	WITHDRAWN						
CX-1161	C	WITHDRAWN						
CX-1162	C	WITHDRAWN						
CX-1163	C	WITHDRAWN						
CX-1164	C	WITHDRAWN						
CX-1165	C	WITHDRAWN						
CX-1166	C	WITHDRAWN						
CX-1167	C	WITHDRAWN						
CX-1168	C	WITHDRAWN						
CX-1169	C	WITHDRAWN						
CX-1170	C	WITHDRAWN						
CX-1171	C	WITHDRAWN						
CX-1172	C	WITHDRAWN						
CX-1173	C	WITHDRAWN						
CX-1174	C	WITHDRAWN						
CX-1175	C	WITHDRAWN						
CX-1176	C	WITHDRAWN						
CX-1177	C	WITHDRAWN						
CX-1178	C	WITHDRAWN						
CX-1179	C	WITHDRAWN						
CX-1180	C	WITHDRAWN						
CX-1181	C	WITHDRAWN						
CX-1182	C	WITHDRAWN						
CX-1183	C	WITHDRAWN						
CX-1184	C	WITHDRAWN						
CX-1185	C	WITHDRAWN						
CX-1186	C	WITHDRAWN						
CX-1187	C	WITHDRAWN						
CX-1188	C	WITHDRAWN						
CX-1189	C	WITHDRAWN						
CX-1190	C	WITHDRAWN						
CX-1191	C	WITHDRAWN						
CX-1192	C	WITHDRAWN						
CX-1193	C	WITHDRAWN						
CX-1194	C	WITHDRAWN						
CX-1195	C	WITHDRAWN						
CX-1196	C	WITHDRAWN						
CX-1197	C	WITHDRAWN						
CX-1198	C	WITHDRAWN						
CX-1199	C	WITHDRAWN						
CX-1200	C	WITHDRAWN						
CX-1201	C	WITHDRAWN						
CX-1202	C	WITHDRAWN						
CX-1203	C	WITHDRAWN						
CX-1204	C	WITHDRAWN						
CX-1205	C	WITHDRAWN						
CX-1206	C	WITHDRAWN						
CX-1207	C	WITHDRAWN						
CX-1208	C	WITHDRAWN						

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Liepanels Inc. Liepanels Ltd. CORRECTED Admitted Exhibits - Confidential and Public
 Investigation No. 337-174-504
 August 9, 2012

Exhibit No.	Conf.	Description/Title	Bag/Box Range	Register Range	Tag	Purpose	Sponsoring Witness(es)	Entered into Evidence
CK-1209	C	WITHDRAWN						
CK-1210	C	WITHDRAWN						
CK-1211	C	WITHDRAWN						
CK-1212	C	WITHDRAWN						
CK-1213	C	WITHDRAWN						
CK-1214	C	WITHDRAWN						
CK-1215	C	WITHDRAWN						
CK-1216	C	WITHDRAWN						
CK-1217	C	WITHDRAWN						
CK-1218	C	WITHDRAWN						
CK-1219	C	WITHDRAWN						
CK-1220	C	WITHDRAWN						
CK-1221	C	WITHDRAWN						
CK-1222	C	WITHDRAWN						
CK-1223	C	WITHDRAWN						
CK-1224	C	WITHDRAWN						
CK-1225	C	WITHDRAWN						
CK-1226	C	WITHDRAWN						
CK-1227	C	WITHDRAWN						
CK-1228	C	WITHDRAWN						
CK-1229	C	WITHDRAWN						
CK-1230	C	WITHDRAWN						
CK-1231	C	WITHDRAWN						
CK-1232	C	WITHDRAWN						
CK-1233	C	WITHDRAWN						
CK-1234	C	WITHDRAWN						
CK-1235	C	WITHDRAWN						
CK-1236	C	WITHDRAWN						
CK-1237	C	WITHDRAWN						
CK-1238	C	WITHDRAWN						
CK-1239	C	WITHDRAWN						
CK-1240	C	WITHDRAWN						
CK-1241	C	WITHDRAWN						
CK-1242	C	WITHDRAWN						
CK-1243	C	WITHDRAWN						
CK-1244	C	WITHDRAWN						
CK-1245	C	WITHDRAWN						
CK-1246	C	WITHDRAWN						
CK-1247	C	WITHDRAWN						
CK-1248	C	WITHDRAWN						
CK-1249	C	WITHDRAWN						
CK-1250	C	WITHDRAWN						
CK-1251	C	WITHDRAWN						
CK-1252	C	WITHDRAWN						
CK-1253	C	WITHDRAWN						
CK-1254	C	WITHDRAWN						
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CK-1256	C	WITHDRAWN						
CK-1257	C	WITHDRAWN						
CK-1258	C	WITHDRAWN						
CK-1259	C	WITHDRAWN						
CK-1260	C	WITHDRAWN						
CK-1261	C	WITHDRAWN						
CK-1262	C	WITHDRAWN						

Exhibit No.	Cont. Description/Title	Regulatee Name	Regulatee Name	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CX-1263	WITHDRAWN						
CX-1264	WITHDRAWN						
CX-1265	C WITHDRAWN						
CX-1266	Video: NAB soeand China LED Neck	LP_ITC-0164397	LP_ITC-0164397	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1267	Video: AURORA SYSTEMS, KOREA	LP_ITC-0164398	LP_ITC-0164398	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1268	Video: CUKHING CAMLIGHT, CHINA	LP_ITC-0164399	LP_ITC-0164399	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1269	Video: SHANTUNG NANGUANG PHOTOGRAPHIC EQUIPMENT, CHINA	LP_ITC-0164400	LP_ITC-0164400	N/A	Remedy/Bonding; Infringement	Rudy Pohlt	6/19/2012
CX-1270	Video: BEIJING FEIYASHI TECHNOLOGY, CHINA	LP_ITC-0164401	LP_ITC-0164401	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1271	Video: BEIJING HUAILIN STONE-TECH, CHINA	LP_ITC-0164402	LP_ITC-0164402	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1272	Video: TELIKOU TECHNOLOGIES, CHINA	LP_ITC-0164403	LP_ITC-0164403	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1273	Video: ONICAST, CHINA	LP_ITC-0164404	LP_ITC-0164404	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1274	Video: NAB ONICAST, CHINA (2)	LP_ITC-0164405	LP_ITC-0164405	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1275	Video: BEIJING BRIGHTCAST, CHINA	LP_ITC-0164406	LP_ITC-0164406	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1276	Video: DMULITE CO, KOREA	LP_ITC-0164407	LP_ITC-0164407	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1277	Video: IKAN, CHINA	LP_ITC-0164408	LP_ITC-0164408	N/A	Remedy/Bonding; Infringement	Rudy Pohlt	6/19/2012
CX-1278	Video: FXLION, CHINA	LP_ITC-0164409	LP_ITC-0164409	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1279	Video: LOWEIL LIGHT MFG	LP_ITC-0164410	LP_ITC-0164410	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1280	Video: DEDOTEK, CHINA	LP_ITC-0164411	LP_ITC-0164411	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1281	Video: TAIYANG MOVIE AND TV EQUIPMENT, CHINA	LP_ITC-0164412	LP_ITC-0164412	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1282	WITHDRAWN	LP_ITC-0164413	LP_ITC-0164413	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1283	WITHDRAWN						
CX-1284	NAB Materials: Aurora LED System	LP_ITC-0163611	LP_ITC-0163616	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1285	NAB Materials: Aurora LED System	LP_ITC-0163617	LP_ITC-0163617	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1286	NAB Materials: Brightest Broadcasting & Photography LED Lighting	LP_ITC-0163629	LP_ITC-0163629	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1287	NAB Materials: Brightest Broadcasting & Photography LED Lighting	LP_ITC-0163630	LP_ITC-0163641	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1288	NAB Materials: Britc Spot	LP_ITC-0163642	LP_ITC-0163647	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1289	NAB Materials: Soeand	LP_ITC-0163648	LP_ITC-0163650	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1290	NAB Materials: Soeand	LP_ITC-0163651	LP_ITC-0163670	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1291	NAB Materials: Beijing Huailin Stone-Tech Co. Ltd	LP_ITC-0163671	LP_ITC-0163702	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1292	NAB Materials: Ciresoff LED Luminaires	LP_ITC-0163709	LP_ITC-0163710	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1293	NAB Materials: Camlight	LP_ITC-0163711	LP_ITC-0163738	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1294	NAB Materials: Camlight	LP_ITC-0163739	LP_ITC-0163740	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1295	NAB Materials: Creansource Film and TV LED Lighting	LP_ITC-0163741	LP_ITC-0163760	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1296	NAB Materials: Come1 LED Light Series	LP_ITC-0163761	LP_ITC-0163772	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1297	NAB Materials: Dedolight	LP_ITC-0163773	LP_ITC-0163792	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1298	NAB Materials: Dedolight	LP_ITC-0163793	LP_ITC-0163820	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1299	NAB Materials: Dedolight	LP_ITC-0163821	LP_ITC-0163918	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1300	NAB Materials: Dedolight	LP_ITC-0163919	LP_ITC-0163930	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1301	NAB Materials: Dedolight	LP_ITC-0163931	LP_ITC-0163942	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1302	NAB Materials: Dedolight	LP_ITC-0163945	LP_ITC-0163945	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1304	NAB Materials: Natural LED Laurus	LP_ITC-0163946	LP_ITC-0163949	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1305	NAB Materials: Dynacor Technology Co. Ltd	LP_ITC-0163968	LP_ITC-0164003	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1306	NAB Materials: Ideal For Video x300	LP_ITC-0164004	LP_ITC-0164004	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1307	NAB Materials: FilmGear	LP_ITC-0164005	LP_ITC-0164008	N/A	Remedy/Bonding; Infringement	Rudy Pohlt	6/19/2012
CX-1309	NAB Materials: Fomex	LP_ITC-0164009	LP_ITC-0164013	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1310	NAB Materials: Fomex	LP_ITC-0164015	LP_ITC-0164020	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1311	NAB Materials: Ikan	LP_ITC-0164023	LP_ITC-0164024	N/A	Remedy/Bonding; Infringement	Rudy Pohlt	6/19/2012
CX-1312	NAB Materials: Kino Pro Lighting Systems	LP_ITC-0164025	LP_ITC-0164026	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1313	NAB Materials: Kino Pro Lighting Systems	LP_ITC-0164027	LP_ITC-0164028	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1314	NAB Materials: Kino Pro Lighting Systems	LP_ITC-0164029	LP_ITC-0164092	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012
CX-1315	NAB Materials: Lightstar	LP_ITC-0164093	LP_ITC-0164094	N/A	Remedy/Bonding	Rudy Pohlt	6/19/2012

Exhibit No.	Conf. Description/Title	Request Range	Request Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-1316	NAB Materials: Lighters	LP_ITC-0164095	LP_ITC-0164159	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1317	NAB Materials: Lowell Prime LED	LP_ITC-0164160	LP_ITC-0164161	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1318	NAB Materials: Lowell Prime LED	LP_ITC-0164162	LP_ITC-0164163	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1319	NAB Materials: Lowell Prime LED	LP_ITC-0164164	LP_ITC-0164165	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1320	NAB Materials: Lowell Prime LED	LP_ITC-0164166	LP_ITC-0164167	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1321	NAB Materials: Onixest	LP_ITC-0164168	LP_ITC-0164171	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1322	NAB Materials: Philips	LP_ITC-0164194	LP_ITC-0164200	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1323	NAB Materials: Prime Time Lighting Systems	LP_ITC-0164201	LP_ITC-0164232	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1324	NAB Materials: Rosco	LP_ITC-0164233	LP_ITC-0164234	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1325	NAB Materials: Rotolight	LP_ITC-0164235	LP_ITC-0164238	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1326	NAB Materials: Nangung	LP_ITC-0164239	LP_ITC-0164262	N/A	Remedy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1327	NAB Materials: T&Y	LP_ITC-0164263	LP_ITC-0164280	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1328	NAB Materials: The Light	LP_ITC-0164281	LP_ITC-0164286	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1329	NAB Materials: The Light	LP_ITC-0164287	LP_ITC-0164292	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1330	NAB Materials: Ve-Gin	LP_ITC-0164293	LP_ITC-0164296	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1331	NAB Materials: Videssence Powerful LEDs for All of Your Lighting Needs	LP_ITC-0164299	LP_ITC-0164300	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1332	NAB Materials: Yuyao Lishuai	LP_ITC-0164307	LP_ITC-0164308	N/A	Remedy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1333	NAB Materials: Yuyao Lishuai	LP_ITC-0164309	LP_ITC-0164310	N/A	Remedy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1334	NAB Materials: Yuyao Lishuai	LP_ITC-0164311	LP_ITC-0164312	N/A	Remedy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1335	NAB Materials: Yuyao Lishuai	LP_ITC-0164313	LP_ITC-0164372	N/A	Remedy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1336	NAB Show Planner	LP_ITC-0164373	LP_ITC-0164396	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1337	Website: eBay - New & used electronics, cars, apparel, collectibles, sporting goods &	LP_ITC-0112848	LP_ITC-0112852	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1338	Website: eBay My World - niteincel	LP_ITC-0112853	LP_ITC-0112854	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1339	Website: 03-1000 LED Video Photography Studio Panel Lighting Light eBay	LP_ITC-0112855	LP_ITC-0112860	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1340	Website: 04-eBay My World - enjoycamera	LP_ITC-0112861	LP_ITC-0112862	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1341	Website: 2PCS 600 LEDS Studio Photography Continuous Led light Lighting + Battery Mon	LP_ITC-0112863	LP_ITC-0112868	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1342	Website: eBay My World - enjoycamera	LP_ITC-0112869	LP_ITC-0112870	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1343	Website: Photo Studio 70 LED Rechargeable Light Video Camera Camcorder Photography 1a	LP_ITC-0112871	LP_ITC-0112873	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1344	Website: eBay My World - yescornusa	LP_ITC-0112874	LP_ITC-0112875	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1345	Website: 1000w Dimmable Video Studio Light Stand Kit 2x 500 Led eBay	LP_ITC-0112876	LP_ITC-0112879	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1346	Website: eBay My World - emilyandily	LP_ITC-0112880	LP_ITC-0112881	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1347	Website: Free Bag 600 LED Video Light Studio Continuous Camcorder Camera Lights eBay	LP_ITC-0112882	LP_ITC-0112886	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1348	Website: eBay My World - photolight	LP_ITC-0112887	LP_ITC-0112888	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1349	Website: Professional 96-LED Video Studio Light For Sony V1C Canon Camcorder DV HDV-2	LP_ITC-0112889	LP_ITC-0112893	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1350	Website: eBay My World - niteincel	LP_ITC-0112894	LP_ITC-0112895	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1351	Website: 2PCS 600 LEDS Studio Photography Continuous Led Light Lighting + Battery Mon	LP_ITC-0112896	LP_ITC-0112901	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1352	Website: eBay My World - enjoycamera	LP_ITC-0112902	LP_ITC-0112903	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1353	Website: 352 Pro LED Studio Photo Video DV Macro Camera Ring Light with Dinner Dimmer	LP_ITC-0112904	LP_ITC-0112912	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1354	Website: eBay My World - lighting4studios	LP_ITC-0112913	LP_ITC-0112914	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1355	Website: 900 LED Video Studio Light Continuous Photo Light	LP_ITC-0112915	LP_ITC-0112920	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1356	Website: eBay My World - photolight	LP_ITC-0112921	LP_ITC-0112922	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1357	Website: 360 Ring Led Light Dimmer, Full Dimming Control for continuous studio eBay	LP_ITC-0112923	LP_ITC-0112929	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1358	Website: eBay My World - photolight	LP_ITC-0112930	LP_ITC-0112931	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1359	Website: 1000 LED Video Studio Portrait Panel Light Lighting NEW eBay	LP_ITC-0112932	LP_ITC-0112937	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1360	Website: eBay My World - ephotoinc	LP_ITC-0112938	LP_ITC-0112939	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1361	Website: NEW 1200 LED Studio Photography Video Light Panel eBay	LP_ITC-0112940	LP_ITC-0112947	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012

Exhibit No.	Cont. Description/Title	Repairs Range	Repairs Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CK-1409	LED 120A FotodioxDimmableLightChargerTem	LP_ITC-0158817	LP_ITC-0158820	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1410	LED 144A Alibaba LEDVideoLightKIT-5900K-	LP_ITC-0158821	LP_ITC-0158822	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1411	LED 144A Ebay LEDVideoLightKIT-5900K-	LP_ITC-0158824	LP_ITC-0158827	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1412	LED 144A Ebay LEDLightCameraLight-LED144A-Camcorder	LP_ITC-0158828	LP_ITC-0158829	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1413	LED 144A Flashpoint-Dimmer-Will-temperature-3200K-	LP_ITC-0158830	LP_ITC-0158832	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1414	LED 144A Fotodiox-Dimmer-Switches-Charger-Temper	LP_ITC-0158833	LP_ITC-0158837	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1415	LED 144A US-CA-Special-Offe-144-LED-video-photo	LP_ITC-0158841	LP_ITC-0158844	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1416	LED 144A zetshop	LP_ITC-0158846	LP_ITC-0158847	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1417	LED 144AS -megaproducts	LP_ITC-0158851	LP_ITC-0158852	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1418	LED 144AS Alibaba ledcanonlightGL	LP_ITC-0158853	LP_ITC-0158856	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1419	LED 144AS Alibaba LEDVideoLight	LP_ITC-0158857	LP_ITC-0158859	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1420	LED 144AS Amazon Fotodiox-Pro-LED-144AS-V	LP_ITC-0158860	LP_ITC-0158862	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1421	LED 144AS Ebay LEDLightCameraLight-LED144AS-Camcord	LP_ITC-0158863	LP_ITC-0158864	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1422	LED 144AS Fotodiox-Dimmable-Switches-Charger-Temper	LP_ITC-0158865	LP_ITC-0158869	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1423	LED 144AS fotodiox-pur-led-144as-video-led-h	LP_ITC-0158870	LP_ITC-0158871	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1424	LED 209A - alibaba ProfessionalLEDVideo Light	LP_ITC-0158872	LP_ITC-0158873	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1425	LED 209A - Ebay -video-camcorder-plu	LP_ITC-0158874	LP_ITC-0158876	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1426	LED 209A FotodioxProLED209A/Ph	LP_ITC-0158877	LP_ITC-0158878	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1427	LED 209A FotodioxDimmableTemperature Camcorder	LP_ITC-0158883	LP_ITC-0158884	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1428	LED 209AS alibaba video-schoolingKIT	LP_ITC-0158885	LP_ITC-0158887	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1429	LED 209AS ebay LEDVideoLightingKIT209/LEDCA	LP_ITC-0158891	LP_ITC-0158893	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1430	LED 209AS ebay LEDVideoLightingKIT209/LED	LP_ITC-0158894	LP_ITC-0158895	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1431	LED 209AS ebay VideoLightKITProfessionalDSL	LP_ITC-0158897	LP_ITC-0158898	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1432	LED 209AS FotodioxDimmableLightTungstenRemov	LP_ITC-0158899	LP_ITC-0158901	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1433	LED 2x6W amazon Fotodiox ProfessionalCamcorderSensVvpe	LP_ITC-0158906	LP_ITC-0158907	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1434	LED 2x6W Fotodiox Pro LED2x6 WPro	LP_ITC-0158908	LP_ITC-0158909	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1435	LED 312A Fotodiox Dimmable Charger Carrying Temper	LP_ITC-0158913	LP_ITC-0158915	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1436	LED 312A PowerLED312AS5500KDSLRCameralight	LP_ITC-0158916	LP_ITC-0158918	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1437	LED 312A LEDVideoLightKITRCamera	LP_ITC-0158919	LP_ITC-0158920	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1438	LED 312A ZndGenerationModelLED312AZACamera	LP_ITC-0158921	LP_ITC-0158922	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1439	LED 312A Adorama	LP_ITC-0158926	LP_ITC-0158928	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1440	LED 312A Alibaba LEDVideoCameral	LP_ITC-0158929	LP_ITC-0158931	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1441	LED 312A Blueshakes	LP_ITC-0158932	LP_ITC-0158938	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1442	LED 312A LEDLightCameralightLED312AZLEBD312	LP_ITC-0158939	LP_ITC-0158941	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1443	LED 312AS Alibaba 2nd gen model	LP_ITC-0158942	LP_ITC-0158944	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1444	LED 312AS Amazon FlashpointlightColorMountableDimmabl	LP_ITC-0158949	LP_ITC-0158947	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1445	LED 312AS Amazon	LP_ITC-0158948	LP_ITC-0158949	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1446	LED 312AS BicolorLEDVideo	LP_ITC-0158950	LP_ITC-0158952	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1447	LED 312AS Ebay ZndGenerationModelLED312AS2Camera	LP_ITC-0158953	LP_ITC-0158955	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1448	LED 312AS Ebay CamcorderlightSLRVideoCa	LP_ITC-0158956	LP_ITC-0158958	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1449	LED 312AS ePhotoProfessionallightColorChangingLED	LP_ITC-0158959	LP_ITC-0158962	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1450	LED 312AS FotodioxDimmableSwitchesChargerTemper	LP_ITC-0158966	LP_ITC-0158967	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1451	LED 312AS FotodioxDimmableSwitchesChargerTemper	LP_ITC-0158968	LP_ITC-0158974	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1452	LED 312AS megaproducts	LP_ITC-0158975	LP_ITC-0158977	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1453	LED 312AS portablevideo	LP_ITC-0158978	LP_ITC-0158979	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1454	LED 312AS Cameralight ED312AZAGeneration	LP_ITC-0158980	LP_ITC-0158982	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1455	LED 312AS Cameralight ED312AS Generation 2	LP_ITC-0158978	LP_ITC-0158979	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1456	LED 312AS FlashpointlightColorMountableDimmabl	LP_ITC-0158980	LP_ITC-0158982	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1457	LED 312AS Fotodiox Pro LED LED 312AS LED Unscrewed Video LED Light Kit	LP_ITC-0158983	LP_ITC-0158984	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1458	LED 312AS PolatofCancerorderVantibio3200K16000K8	LP_ITC-0158985	LP_ITC-0158986	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1459	LED 352A Fotodiox Dimmable AdapterforKeter Tempa	LP_ITC-0158990	LP_ITC-0158992	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1460	LED 352A gulypro	LP_ITC-0158993	LP_ITC-0158994	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012
CK-1461	LED 352A PROLED Product Specification	LP_ITC-0158995	LP_ITC-0158997	N/A	Remy/Bonding	Rudy Pohlt	6/19/2012

Exhibit No.	Conf. Description/Title	Buyer Name	Buyer Ref. No.	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-1462	LED 352A Video Camera Ring Light	LP_ITC-0158998	LP_ITC-0159000	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1463	LED 300 alibaba LEDStudioLight	LP_ITC-0159004	LP_ITC-0159005	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1465	LED 500 amazon Flashpoint500DimmableLightVultrivia	LP_ITC-0159006	LP_ITC-0159008	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1466	LED 500 FotodioxBandoorPhotographyDimmableTe	LP_ITC-0159009	LP_ITC-0159011	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1467	LED 500A alibaba videolightGL	LP_ITC-0159015	LP_ITC-0159017	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1468	LED 500A ebay Pro500pcs300LEDVideoLight220v110	LP_ITC-0159018	LP_ITC-0159020	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1469	LED 500A ebay ProLED500pcs300ALEDLightLighting	LP_ITC-0159021	LP_ITC-0159023	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1470	LED 500A V FotodioxBandoorPhotographyDimmableTe	LP_ITC-0159027	LP_ITC-0159028	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1471	LED 500A V zetashog	LP_ITC-0159029	LP_ITC-0159029	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1472	LED 98A 588wledlightforamcorders	LP_ITC-0159030	LP_ITC-0159038	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1473	LED 98A Amazon.com FotodioX Pro LED 98A, PhotoVideo Dimmable LED Light Kit	LP_ITC-0159042	LP_ITC-0159044	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1474	LED 98A FotodioXProLED98APho	LP_ITC-0159050	LP_ITC-0159051	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1475	LED 98A Video Light Kit Ebay	LP_ITC-0159052	LP_ITC-0159054	N/A	Remedy/Bonding	Rudy Pollett	6/19/2012
CX-1476	WITHDRAWN						
CX-1477	WITHDRAWN						
CX-1478	WITHDRAWN						
CX-1479	WITHDRAWN						
CX-1480	WITHDRAWN						
CX-1481	WITHDRAWN						
CX-1482	WITHDRAWN						
CX-1483	WITHDRAWN						
CX-1484	WITHDRAWN						
CX-1485	WITHDRAWN						
CX-1486	WITHDRAWN						
CX-1487	WITHDRAWN						
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CX-1489	WITHDRAWN						
CX-1490	WITHDRAWN						
CX-1491	WITHDRAWN						
CX-1492	WITHDRAWN						
CX-1493	WITHDRAWN						
CX-1494	WITHDRAWN						
CX-1495	WITHDRAWN						
CX-1496	WITHDRAWN						
CX-1497	WITHDRAWN						
CX-1498	WITHDRAWN						
CX-1499	WITHDRAWN						
CX-1500	WITHDRAWN						
CX-1501	WITHDRAWN						
CX-1502	WITHDRAWN						
CX-1503	WITHDRAWN						
CX-1504	WITHDRAWN						
CX-1505	WITHDRAWN						
CX-1507	WITHDRAWN						
CX-1508	WITHDRAWN						
CX-1509	WITHDRAWN						
CX-1510	WITHDRAWN						
CX-1511	WITHDRAWN						
CX-1512	WITHDRAWN						
CX-1513	WITHDRAWN						

Exhibit No.	Confidential	Product/Brand Name	Manufacturer	Part No.	Part Name	Date	Part Desc	Sponsoring Witness(es)	Entered Into Evidence
CX-1514		WITHDRAWN							
CX-1515		WITHDRAWN							
CX-1516		WITHDRAWN							
CX-1517		WITHDRAWN							
CX-1518		WITHDRAWN							
CX-1519		WITHDRAWN							
CX-1520		WITHDRAWN							
CX-1521		WITHDRAWN							
CX-1522		WITHDRAWN							
CX-1523		WITHDRAWN							
CX-1524		WITHDRAWN							
CX-1525		WITHDRAWN							
CX-1526		WITHDRAWN							
CX-1527		WITHDRAWN							
CX-1528		Nanguang eBay page		LP_ITC-0159235	LP_ITC-0159236	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1529		Amazon.com ePhoto 1200 LED Bi Color LED Photography Video Lite Panel Color		LP_ITC-0159245	LP_ITC-0159249	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1530		Buy Nanguang CN1200CH BiColor LED studio light on lampfind.com		LP_ITC-0159250	LP_ITC-0159252	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1531		CN1200CH BiColor LED studio light Shantou City Nanguang Photographic Equ		LP_ITC-0159253	LP_ITC-0159253	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1532		Nanguang CN1200CH LED Studio Lighting Equipment, perfect for Photo and Vid		LP_ITC-0159257	LP_ITC-0159265	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1533		Buy Nanguang CN1200CHS BiColor LED studio light on lampfind.com		LP_ITC-0159269	LP_ITC-0159271	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1534		Nanguang CN1200CHS BiColor LED Studio Lighting Equipment, perfect for phot		LP_ITC-0159272	LP_ITC-0159282	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1535		Professional AV Lighting LED Panel		LP_ITC-0159283	LP_ITC-0159283	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1536		Amazon.com Cowboystudio 1200 LED Dimmable Video Light Panel Photography St		LP_ITC-0159287	LP_ITC-0159290	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1537		Amazon.com ePhoto Powerful 1200 LED Dimmable Video Light Panel 24V DC, 110V		LP_ITC-0159291	LP_ITC-0159296	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1538		LED Go CN1200H LED Video Light 5600K with Barndoors, Diffuser, DC Adapter,		LP_ITC-0159297	LP_ITC-0159298	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1539		CN126 dimodirect.com wholesales LED Video Light CN126		LP_ITC-0159317	LP_ITC-0159321	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1540		CN126 ecenter.com ocenteralevideoled		LP_ITC-0159322	LP_ITC-0159322	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1541		CN126 Mostbuying.com cheapdiscount126 LED Ultra Bright C		LP_ITC-0159323	LP_ITC-0159327	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1542		CN140 alibaba Nanguang CN140 LED		LP_ITC-0159330	LP_ITC-0159337	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1543		CN140 amazon		LP_ITC-0159340	LP_ITC-0159340	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1544		CN140 lampfind.com lampfy481314NanguangCN140LED		LP_ITC-0159341	LP_ITC-0159342	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1545		CN160CA amazon VideoCameraCamcorderLightingPanasonic		LP_ITC-0159345	LP_ITC-0159347	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1546		CN160CA amazon		LP_ITC-0159348	LP_ITC-0159353	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1547		CN160CA eBay HostVideoLEDVideoLightCanon		LP_ITC-0159354	LP_ITC-0159356	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1548		CN160CA eBay LEDVideoLEDVideoLightCanon		LP_ITC-0159357	LP_ITC-0159361	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1549		CN160CA eBay NanguangcameraLEDLightCanon		LP_ITC-0159364	LP_ITC-0159364	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1550		CN170 cowboystudio.com product info		LP_ITC-0159365	LP_ITC-0159366	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1551		CN183 alibaba NanguangCN1830n		LP_ITC-0159371	LP_ITC-0159371	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1552		CN183 dimodirect ProductID248294		LP_ITC-0159372	LP_ITC-0159374	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1553		CN183 eBay LEDCAMERAVEDEVOLVLightCAN		LP_ITC-0159378	LP_ITC-0159381	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1554		CN183 ingobox		LP_ITC-0159382	LP_ITC-0159384	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1555		CN183 mostbuying.com cheapdiscountNanguangCN183LEDVID		LP_ITC-0159387	LP_ITC-0159391	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1556		CN228H alibaba NanguangCN228H0n		LP_ITC-0159392	LP_ITC-0159393	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1557		CN228H eBay NanguangcameraLEDLightPan		LP_ITC-0159394	LP_ITC-0159394	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1558		CN228H eBay NanguangcameraLEDLightPan		LP_ITC-0159397	LP_ITC-0159393	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012
CX-1559		CN260CH alibaba product info		LP_ITC-0159395	LP_ITC-0159403	N/A	Remedy/Bonding; Infringement	Rudy Pohlet	6/19/2012

Exhibit No.	Conf. Description/Title	Best Offer Range	Best Offer Range	Date	Purpose	Specializing With/used (s)	Entered into Evidence
CX-1561	CN2400CH Amazon	LP_ITC-0159409	LP_ITC-0159408	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1562	CN2400CH ePhotoProfessionalTemperature3200K540	LP_ITC-0159404	LP_ITC-0159411	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1563	CN48H air recent 48ledlightpanelwhitecamcorder	LP_ITC-0159414	LP_ITC-0159416	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1564	CN48H alibaba NanGuangCN48H.LED	LP_ITC-0159417	LP_ITC-0159424	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1565	CN48H ebay 48LEDcameraVideodVCamcorder	LP_ITC-0159425	LP_ITC-0159427	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1566	CN48H ebay NanGuangcameraLEDlightCanon	LP_ITC-0159428	LP_ITC-0159434	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1567	CN48H trade KR nanguangcanalised	LP_ITC-0159432	LP_ITC-0159434	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1568	Buy Professional photographic equipment CN6000H studio LED lighting on lampf	LP_ITC-0159435	LP_ITC-0159437	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1569	LED Go CN6000H LED Video Light 5600K with Barndoors, Diffuser, DC Adapter, 3	LP_ITC-0159438	LP_ITC-0159439	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1570	LED Light Panel Nanguang CN600H LED Continuous Lighting Lighting	LP_ITC-0159440	LP_ITC-0159441	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1571	Professional Nanguang CN600H LED Studio Lighting Equipment, perfect for Pho	LP_ITC-0159442	LP_ITC-0159452	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1572	Buy Professional NanGuang CN600HP Studio LED light on lampfnd.com	LP_ITC-0159456	LP_ITC-0159458	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1573	CN600HP LED Light For Panasonic Or Anton Barmount Battery [CN600HP] \$	LP_ITC-0159459	LP_ITC-0159461	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1574	CN600HP Studio LED Light Panel ebay	LP_ITC-0159462	LP_ITC-0159464	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1575	NanGuang Professional LED Studio lighting Equipment CN600HP, Perfect for Pho	LP_ITC-0159465	LP_ITC-0159472	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1576	Amazon.com ePhoto 600 Led Dimmable Video Photography Light for Sony V	LP_ITC-0159476	LP_ITC-0159480	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1577	Buy Photographic Equipment Nanguang CN6000HS Studio LED light for Studio on	LP_ITC-0159481	LP_ITC-0159483	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1578	LED Go CN600HS LED Video Light 5600K with V Plate, Barndoors, Diffuser DC	LP_ITC-0159484	LP_ITC-0159485	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1579	LED Light Panel Nanguang CN600HS	LP_ITC-0159486	LP_ITC-0159487	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1580	Photographic Nanguang CN6000HS LED Studio Lighting Equipment, perfect for Pho	LP_ITC-0159488	LP_ITC-0159497	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1581	CN70 alibaba NanguangCN70Ultra	LP_ITC-0159498	LP_ITC-0159500	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1582	CN70 best offer buy.com LEDCameraVideoCamcorderhot	LP_ITC-0159501	LP_ITC-0159502	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1583	CN70 focal price Professional70LEDVideoLight	LP_ITC-0159503	LP_ITC-0159504	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1584	CN76 alibaba NANGUAN	LP_ITC-0159507	LP_ITC-0159510	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1585	CN76 ebay NanGuangcameraLEDlightCanon	LP_ITC-0159511	LP_ITC-0159512	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1586	CN76 ePhotoProfessionalstockcanon	LP_ITC-0159513	LP_ITC-0159514	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1587	CN76 gadget town LEDD00372	LP_ITC-0159515	LP_ITC-0159515	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1588	CN76 trade KR	LP_ITC-0159518	LP_ITC-0159519	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1589	Amazon.com Cowboystudio Powerfull 900 LED Dimmable Video Light Panel	LP_ITC-0159520	LP_ITC-0159523	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1590	LED Go 2 X CN900H LED Video Lights With Hard Case Studio Video Lighting V	LP_ITC-0159524	LP_ITC-0159525	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1591	LED Go CN900H LED Video Light 5600K with Barndoors, Diffuser, DC Adapter, 3	LP_ITC-0159526	LP_ITC-0159527	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1592	LED Light Panel Nanguang CN900H	LP_ITC-0159528	LP_ITC-0159529	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1593	Professional Nanguang CN900H LED Studio Lighting Equipment, perfect for Pho	LP_ITC-0159530	LP_ITC-0159537	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1594	CN900HP LED Camera Video Light Studio Lighting Dinner ebay	LP_ITC-0159541	LP_ITC-0159550	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1595	ebay New & used electronics, cars, apparel, collectibles, sporting goods &	LP_ITC-0159551	LP_ITC-0159558	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1596	NanGuang Professional LED Studio lighting Equipment CN900HP, Perfect for Pho	LP_ITC-0159559	LP_ITC-0159567	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1597	Amazon.com ePhoto 900 LED Dimmable Photography Video Camera DSLR	LP_ITC-0159571	LP_ITC-0159575	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1598	CN900HS LED Video Studio Light With Sony V Mount [CN900HS]	LP_ITC-0159576	LP_ITC-0159578	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012
CX-1599	CN900HS LED Video Studio Light With Sony V Mount ebay	LP_ITC-0159579	LP_ITC-0159585	N/A	Remydy/Bonding; Infringement	Rudy Pollett	6/19/2012

Exhibit No.	Conf.	Description/Title	Best-Bidder Name	Best-Bidder Range	Date	Purpose	Sponsoring Witness (S)	Entered In Evidence
CX-1600		CN-900HS Studio LED Light Panel eBay	LP TTC-0159586	LP TTC-0159588	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1601		Professional Nunguang CN-900HS LED Studio Lighting Equipment	LP TTC-0159589	LP TTC-0159588	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1602		CN-B144 alibaba	LP TTC-0159601	LP TTC-0159602	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1603		CN-B144 eBay.com Nantongang-CN-B144-LED	LP TTC-0159603	LP TTC-0159604	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1604		CN-B144 eBay camera	LP TTC-0159608	LP TTC-0159606	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1605		CN-LUX1500 alibaba 130 Vide	LP TTC-0159614	LP TTC-0159613	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1606		CN-LUX1500 alibaba	LP TTC-0159614	LP TTC-0159625	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1607		CN-LUX1500 becamera	LP TTC-0159626	LP TTC-0159628	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1608		CN-LUX1500 ebay 130-LED-Camera-Video-Light-Canon-Nikon-	LP TTC-0159629	LP TTC-0159631	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1609		CN-LUX1500 ebay 130-LED-Video-Light-Camera-	LP TTC-0159633	LP TTC-0159643	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1610		CN-LUX2200 alibaba NanGuangBiotechC	LP TTC-0159641	LP TTC-0159643	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1611		CN-LUX2200 ebay 600LM-200-LED-Photo-Video-Li	LP TTC-0159644	LP TTC-0159646	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1612		CN-LUX2200 ebay 2000ps-LED-Light-CN-Lux2200-f-Canon-Nik	LP TTC-0159647	LP TTC-0159649	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1613		CN-LUX560 alibaba NanGuangPhotograph	LP TTC-0159651	LP TTC-0159657	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1614		CN-LUX560 amazon	LP TTC-0159658	LP TTC-0159662	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1615		CN-LUX560 ebay 1-LED-Video-Light-Lamp-	LP TTC-0159663	LP TTC-0159665	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1616		CN-LUX560 ebay LED-Video-Light-Lamp-Canon-Ni	LP TTC-0159670	LP TTC-0159672	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1617		CN-LUX560 ebay LED-Video-Light-Lamp-Canon-Ni	LP TTC-0159673	LP TTC-0159674	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1618		STL-96D bh photo	LP TTC-0159681	LP TTC-0159681	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1619		STL-96D ebay online	LP TTC-0159684	LP TTC-0159684	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1620		STL-96D ebay shop	LP TTC-0160762	LP TTC-0160768	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1621		STL-170MAX ebay	LP TTC-0160769	LP TTC-0160774	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1622		Guangzhou Emlyfoto Trade Co., Ltd. CN-126	LP TTC-0160775	LP TTC-0160785	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1623		Guangzhou Emlyfoto Trade Co., Ltd. CN-126	LP TTC-0160793	LP TTC-0160792	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1624		Guangzhou Emlyfoto Trade Co., Ltd. CN-76	LP TTC-0160800	LP TTC-0160808	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1625		Guangzhou Emlyfoto Trade Co., Ltd. CN-126	LP TTC-0160809	LP TTC-0160819	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1626		Guangzhou Emlyfoto Trade Co., Ltd. CN-126	LP TTC-0160820	LP TTC-0160826	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1627		Guangzhou Emlyfoto Trade Co., Ltd. CN-160	LP TTC-0160827	LP TTC-0160838	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1628		Guangzhou Emlyfoto Trade Co., Ltd. AL-198	LP TTC-0160832	LP TTC-0160861	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1629		Guangzhou Emlyfoto Trade Co., Ltd. YN0906	LP TTC-0160839	LP TTC-0160845	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1630		Guangzhou Emlyfoto Trade Co., Ltd. YN1410	LP TTC-0160839	LP TTC-0160888	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1631		Guangzhou Emlyfoto Trade Co., Ltd. CN-183	LP TTC-0160839	LP TTC-0160889	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1632		Guangzhou Emlyfoto Trade Co., Ltd. CN-183	LP TTC-0160839	LP TTC-0160897	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1633		Guangzhou Emlyfoto Trade Co., Ltd. CN-183	LP TTC-0160839	LP TTC-0160899	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1634		Guangzhou Emlyfoto Trade Co., Ltd. CN-126	LP TTC-0160839	LP TTC-0160913	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1635		Guangzhou Emlyfoto Trade Co., Ltd. CN-160	LP TTC-0160839	LP TTC-0160926	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1636		Guangzhou Emlyfoto Trade Co., Ltd. CN-183	LP TTC-0160839	LP TTC-0160943	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1637		Guangzhou Emlyfoto Trade Co., Ltd. CN-183	LP TTC-0160839	LP TTC-0160946	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1638		Guangzhou Emlyfoto Trade Co., Ltd. CONTACTS	LP TTC-0160839	LP TTC-0160949	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1639		Guangzhou Emlyfoto Trade Co., Ltd. DVL-30L	LP TTC-0160839	LP TTC-0160950	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1640		Guangzhou Emlyfoto Trade Co., Ltd. YN160	LP TTC-0160839	LP TTC-0160951	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1641		Guangzhou Emlyfoto Trade Co., Ltd. YN160	LP TTC-0160839	LP TTC-0160952	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1642		Guangzhou Emlyfoto Trade Co., Ltd. YN-1410	LP TTC-0160839	LP TTC-0160954	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1643		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160945	LP TTC-0160947	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1644		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160947	LP TTC-0160949	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1645		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160948	LP TTC-0160950	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1646		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160948	LP TTC-0160951	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1647		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160952	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1648		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160954	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1649		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160957	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1650		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160954	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1651		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160957	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1652		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160954	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012
CX-1653		Guangzhou Yiborn Electronics Co Ltd CONTACTS	LP TTC-0160951	LP TTC-0160957	N/A	Remedy/Bonding; Infringement	Rudy Pohlett	6/19/2012

Exhibit No.	Conf. Description/Title	Buyer's Range	Buyer's Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-1654	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-170	LP_ITC-0160961	LP_ITC-0160963	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1655	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-76	LP_ITC-0160967	LP_ITC-0160969	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1656	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-126	LP_ITC-0160970	LP_ITC-0160972	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1657	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-160	LP_ITC-0160973	LP_ITC-0160976	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1658	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-183	LP_ITC-0160977	LP_ITC-0160979	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1659	Shenzhen Tomtop Technology Co., Ltd. (reseller) CN-LUX1500	LP_ITC-0160980	LP_ITC-0160982	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1660	Shenzhen Tomtop Technology Co., Ltd. (reseller) HONDEPACR	LP_ITC-0160983	LP_ITC-0160984	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1661	Shenzhen Tomtop Technology Co., Ltd. (reseller) LED VIDEO LIGHT	LP_ITC-0160988	LP_ITC-0160990	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1662	Shenzhen Tomtop Technology Co., Ltd. (reseller) SVY-1509 135 LED 960LM	LP_ITC-0160991	LP_ITC-0160993	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1663	Shenzhen Tomtop Technology Co., Ltd. (reseller) YN0906 PRO LED	LP_ITC-0160994	LP_ITC-0160996	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1664	Shenzhen Tomtop Technology Co., Ltd. (reseller) YN1410 PRO LED	LP_ITC-0161000	LP_ITC-0161002	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1665	Zhengzhou Generalink Lighting Equipment Co., Ltd. CONTRACTS	LP_ITC-0161003	LP_ITC-0161005	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1666	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN48H LED	LP_ITC-0161004	LP_ITC-0161008	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1667	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN130	LP_ITC-0161009	LP_ITC-0161011	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1668	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN160 LED	LP_ITC-0161010	LP_ITC-0161015	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1669	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN200	LP_ITC-0161016	LP_ITC-0161017	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1670	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN600H	LP_ITC-0161018	LP_ITC-0161019	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1671	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN900H	LP_ITC-0161020	LP_ITC-0161021	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1672	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-CN900HS	LP_ITC-0161022	LP_ITC-0161025	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1673	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-DMX 1500 DMX LED	LP_ITC-0161026	LP_ITC-0161029	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1674	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-DMX LED100A	LP_ITC-0161030	LP_ITC-0161031	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1675	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED98A	LP_ITC-0161032	LP_ITC-0161034	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1676	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED100ASV	LP_ITC-0161035	LP_ITC-0161036	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1677	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED100AY	LP_ITC-0161037	LP_ITC-0161038	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1678	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED209AS	LP_ITC-0161039	LP_ITC-0161043	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1679	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED312AS	LP_ITC-0161042	LP_ITC-0161045	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1680	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED900AS	LP_ITC-0161044	LP_ITC-0161047	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1681	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-LED14412	LP_ITC-0161048	LP_ITC-0161049	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1682	Zhengzhou Generalink Lighting Equipment Co., Ltd. GL-T900	LP_ITC-0161050	LP_ITC-0161050	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1683	Bill of Lading Eicko Industries/Jahajid to Prompter People.docx	LP_ITC-0161142	LP_ITC-0161163	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1684	WITHDRAWN						
CX-1685	WITHDRAWN						
CX-1686	WITHDRAWN						
CX-1687	WITHDRAWN						
CX-1688	WITHDRAWN						
CX-1689	WITHDRAWN						
CX-1690	WITHDRAWN						
CX-1691	WITHDRAWN						
CX-1692	WITHDRAWN						
CX-1693	WITHDRAWN						
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CX-1697	WITHDRAWN						
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CX-1699	WITHDRAWN						
CX-1700	WITHDRAWN						
CX-1701	WITHDRAWN						
CX-1702	WITHDRAWN						
CX-1703	WITHDRAWN						
CX-1704	WITHDRAWN						
CX-1705	WITHDRAWN						

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
Investigation No. 357-7A-804
Lilepanets Inc. Lilepanets Ltd. CORRECTED Admitted Exhibits - Confidential and Public
August 6, 2012

Exhibit No.	Conf. Designation/Title	Proposed Range	Required Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CK-1706	WITHDRAWN						
CK-1707	WITHDRAWN						
CK-1708	WITHDRAWN						
CK-1709	WITHDRAWN						
CK-1710	WITHDRAWN						
CK-1711	WITHDRAWN						
CK-1712	WITHDRAWN						
CK-1713	WITHDRAWN						
CK-1714	Aggressive LED Flash Investment to Drive 40% Growth in Equipment Spending in 2011	LP_JTC-0162038	LP_JTC-0162040	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1715	Amazon.com_900 LED Dimmable Photography Video Camera DSLR 3400K_3200	LP_JTC-0162043	LP_JTC-0162047	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1716	Amazon.com_LED Studio Lighting Camera, Photo & Video	LP_JTC-0162048	LP_JTC-0162051	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1717	Apiture Photo Tech Co	LP_JTC-0162052	LP_JTC-0162052	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1718	Beijing Feiyashi Technology Development Co Homepage	LP_JTC-0162053	LP_JTC-0162054	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1719	Beijing Huanlin Stone-Tech Co Homepage	LP_JTC-0162055	LP_JTC-0162055	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1720	Buy discount LED+Video+Light just at Lankelight.com	LP_JTC-0162065	LP_JTC-0162070	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1721	Buy LED Video Light 34 Items on Bonanza	LP_JTC-0162071	LP_JTC-0162073	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1722	Changzhou Simook Electronic Co Homepage	LP_JTC-0162078	LP_JTC-0162079	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1723	WITHDRAWN						
CK-1724	WITHDRAWN						
CK-1725	WITHDRAWN						
CK-1726	WITHDRAWN						
CK-1727	WITHDRAWN						
CK-1728	WITHDRAWN						
CK-1729	WITHDRAWN						
CK-1730	CINE CITY Homepage	LP_JTC-0162107	LP_JTC-0162109	N/A	Remy/Bonding	Rudy Pollert	6/19/2012
CK-1731	Commentary_China new LED lighting subsidy policies to focus on commercializ	LP_JTC-0162110	LP_JTC-0162111	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1732	CowboyStudio Photography Lighting_ Studio Equipment_ Studio Accessories	LP_JTC-0162112	LP_JTC-0162114	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1733	Dyylite New Technology Homepage	LP_JTC-0162115	LP_JTC-0162115	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1734	Dengguan Pushiong Photographic Accessories Factory Homepage	LP_JTC-0162118	LP_JTC-0162121	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1735	Dakota Photographic Equipment Co Homepage	LP_JTC-0162126	LP_JTC-0162127	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1736	FPV144 Flashpoint 144 LED Video Light & Dimmer. Will blend temperature colo	LP_JTC-0162137	LP_JTC-0162140	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1737	Fuzhou Boiling Photographic Equipment Co Homepage	LP_JTC-0162143	LP_JTC-0162143	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1738	Global Sources - Product Search_LED Module	LP_JTC-0162148	LP_JTC-0162153	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1739	Guangzhou Wjg Electronic Co Homepage	LP_JTC-0162161	LP_JTC-0162163	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1740	Guangzhou Yiborn Electronic Co Homepage	LP_JTC-0162164	LP_JTC-0162165	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1741	gzhou Hoglio Digital Electronic Co Homepage	LP_JTC-0162166	LP_JTC-0162168	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1742	H.K. Winstech Technical Homepage	LP_JTC-0162169	LP_JTC-0162170	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012
CK-1743	Hakutsu Photography Equipment Co Homepage	LP_JTC-0162171	LP_JTC-0162172	N/A	Remy/Bonding	Rudy Pollert; Mike Wood	6/19/2012

Exhibit No.	Conf. Description/Title	Business Name	Business Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-1789	Shenzhen Jueying Technology Co Homepage	LP JTC-0162511	LP JTC-0162511	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1790	Shenzhen Kamual Technology Co Homepage	LP JTC-0162516	LP JTC-0162516	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1791	Shenzhen Kenao Tech Co Homepage	LP JTC-0162518	LP JTC-0162518	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1792	Shenzhen Nice Photographic Equipment Co Homepage	LP JTC-0162519	LP JTC-0162519	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1793	Shenzhen Qiyang Technology Co Homepage	LP JTC-0162520	LP JTC-0162520	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1794	Shenzhen Shiyu Electronic Co Homepage	LP JTC-0162523	LP JTC-0162523	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1795	Shenzhen Tonlight Technology Co Homepage	LP JTC-0162524	LP JTC-0162524	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1796	Shenzhen Xian Hongyan Electronics Homepage	LP JTC-0162527	LP JTC-0162528	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1797	Shenzhen Yongqun Photographic Equipment Co Homepage	LP JTC-0162529	LP JTC-0162529	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1798	Studio LED Light from Ypuandi Romex Co Ltd	LP JTC-0162537	LP JTC-0162538	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1799	Website: http://www.sinelight.com/ledlights/studio-led-light	LP JTC-0162539	LP JTC-0162545	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1800	Taiyang Movie and Television Equipment Co. Ltd. Homepage	LP JTC-0162544	LP JTC-0162545	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1801	Vidago Professional Photo & Video LED Light Kit Z-90K B&H	LP JTC-0162562	LP JTC-0162563	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1802	Wenzhou Changheng Photo-Facility Co Homepage	LP JTC-0162567	LP JTC-0162567	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1803	World Photographic Equipment Homepage	LP JTC-0162576	LP JTC-0162578	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1804	Yupo Minbei Photo Equipment Co Homepage	LP JTC-0162581	LP JTC-0162581	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1805	Zhengzhou Gumenlink Lighting Equipment Co Homepage	LP JTC-0162586	LP JTC-0162586	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1806	Zhengzhou Kemai Movie-TV Opto-Electronics Co Homepage	LP JTC-0162587	LP JTC-0162589	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1807	Zhuhai Jiti Development Co Homepage	LP JTC-0162590	LP JTC-0162590	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1808	ZYV LED Lighting Co Homepage	LP JTC-0162591	LP JTC-0162591	N/A	Remedy/Bonding	Rudy Pohlett	6/19/2012
CX-1809	WITHDRAWN						
CX-1810	WITHDRAWN						
CX-1811	Eatek Inc. Documents	LP JTC-0029701	LP JTC-0029729	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1812	Eatek Inc. Documents	LP JTC-0030162	LP JTC-0030384	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1813	Eatek Inc. Documents	LP JTC-0030891	LP JTC-0030935	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1814	Eatek Inc. Documents	LP JTC-0031139	LP JTC-0031139	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1815	Eatek Inc. Documents	LP JTC-0031150	LP JTC-0031155	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1816	Eatek Inc. Documents	LP JTC-0034101	LP JTC-0034330	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1817	Eatek Inc. Documents	LP JTC-0049833	LP JTC-0049854	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1818	Eatek Inc. Documents	LP JTC-0049860	LP JTC-0049860	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1819	Eatek Inc. Documents	LP JTC-0050026	LP JTC-0050033	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1820	Eatek Inc. Documents	LP JTC-0052983	LP JTC-0053240	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1821	Eatek Inc. Documents	LP JTC-0063366	LP JTC-0063366	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1822	Eatek Inc. Documents	LP JTC-0063417	LP JTC-0063416	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1823	Eatek Inc. Documents	LP JTC-0063419	LP JTC-0063419	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1824	Eatek Inc. Documents	LP JTC-0074053	LP JTC-0074054	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1825	Eatek Inc. Documents	LP JTC-0076469	LP JTC-0076595	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1827	Eatek Inc. Documents	LP JTC-0079500	LP JTC-0079649	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1828	WITHDRAWN						
CX-1829	Eatek Inc. Documents	LP JTC-0088365	LP JTC-0088365	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1830	Floor plan, Van Myus	LP JTC-0088380	LP JTC-0088384	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1831	Eatek Inc. Documents	LP JTC-0097197	LP JTC-0098941	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1832	Eatek Inc. Documents	LP JTC-0103226	LP JTC-0104756	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1833	Eatek Inc. Documents	LP JTC-0103228	LP JTC-0106237	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1834	Eatek Inc. Documents	LP JTC-0110099	LP JTC-0110976	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1835	Eatek Inc. Documents	LP JTC-0111651	LP JTC-0111705	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1836	Eatek Inc. Documents	LP JTC-0111706	LP JTC-0111830	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1837	Eatek Inc. Documents	LP JTC-0111831	LP JTC-0111832	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1838	Eatek Inc. Documents	LP JTC-0111833	LP JTC-0111838	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1839	Eatek Inc. Documents	LP JTC-0112055	LP JTC-0112055	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1840	Eatek Inc. Documents	LP JTC-0112108	LP JTC-0112121	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1841	Eatek Inc. Documents	LP JTC-0112446	LP JTC-0112446	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012
CX-1842	Eatek Inc. Documents	LP JTC-0112446	LP JTC-0112446	N/A	Economic Domestic Industry	Rudy Pohlett	6/19/2012

In the Matter of Certain Led Photographic Lighting Devices And Components Thereof
 Investigation No. 337-TA-304
 Litigants Inc. Litigants Ltd. CORRECTED Admitted Exhibits - Confidential and Public
 August 6, 2012

Exhibit No.	Cont.	District/Title	Declarant Range	Declarant Range	Date	Exposure	Sponsoring Witness(es)	Entered Into
CX-1843	C	Etek Inc. Documents	LP ITC-0129327	LP ITC-0129327	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1844	C	Etek Inc. Documents	LP ITC-0129327	LP ITC-0130972	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1846	C	Etek Inc. Documents	LP ITC-0140180	LP ITC-0141721	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1847	C	Etek Inc. Documents	LP ITC-0157461	LP ITC-0157470	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1848	C	Etek Inc. Documents	LP ITC-0157888	LP ITC-0157890	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1849	C	Etek Inc. Documents	LP ITC-0157896	LP ITC-0157897	N/A	Economic Domestic Industry	Rudy Pohler	6/19/2012
CX-1850		WITHDRAWN						
CX-1851		WITHDRAWN						
CX-1852		WITHDRAWN						
CX-1853		WITHDRAWN						
CX-1854		WITHDRAWN						
CX-1855		HDV-296 - flight	LP ITC-0158572	LP ITC-0158572	N/A	Infringement, Kennedy/Bonding	Mike Wood	6/20/2012
CX-1856		F&V Photographic Equipment Co. Ltd	LP ITC-0158588	LP ITC-0158588	N/A	Infringement, Kennedy/Bonding	Mike Wood	6/20/2012
CX-1857		F&V Photographic Equipment Co. Ltd	LP ITC-0158592	LP ITC-0158592	N/A	Infringement, Kennedy/Bonding	Mike Wood	6/20/2012
CX-1858		WITHDRAWN						
CX-1859		WITHDRAWN						
CX-1860		WITHDRAWN						
CX-1861		WITHDRAWN						
CX-1862		WITHDRAWN						
CX-1863		WITHDRAWN						
CX-1864		WITHDRAWN						
CX-1865		WITHDRAWN						
CX-1866		WITHDRAWN						
CX-1867		WITHDRAWN						
CX-1868		WITHDRAWN						
CX-1869		WITHDRAWN						
CX-1870		WITHDRAWN						
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CX-1893		WITHDRAWN						
CX-1894		WITHDRAWN						
CX-1895		WITHDRAWN						
CX-1896		WITHDRAWN						

Exhibit No.	Cont. Description/Title	Exhibitor	Rebate Range	Rebate Range	Date	Purpose	Sponsor's Witness(es) Entered Into Evidence
CX-1897	WITHDRAWN						
CX-1898	WITHDRAWN						
CX-1899	WITHDRAWN						
CX-1900	WITHDRAWN						
CX-1901	WITHDRAWN						
CX-1902	WITHDRAWN						
CX-1903	WITHDRAWN						
CX-1904	WITHDRAWN						
CX-1905	WITHDRAWN						
CX-1906	WITHDRAWN						
CX-1907	WITHDRAWN						
CX-1908	WITHDRAWN						
CX-1909	WITHDRAWN						
CX-1910	WITHDRAWN						
CX-1911	WITHDRAWN						
CX-1912	WITHDRAWN						
CX-1913	WITHDRAWN						
CX-1914	WITHDRAWN						
CX-1915	WITHDRAWN						
CX-1916	WITHDRAWN						
CX-1917	WITHDRAWN						
CX-1918	WITHDRAWN						
CX-1919	WITHDRAWN						
CX-1920	WITHDRAWN						
CX-1921	WITHDRAWN						
CX-1922	WITHDRAWN						
CX-1923	WITHDRAWN						
CX-1924	WITHDRAWN						
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CX-1926	WITHDRAWN						
CX-1927	WITHDRAWN						
CX-1928	WITHDRAWN						
CX-1929	WITHDRAWN						
CX-1930	WITHDRAWN						
CX-1931	WITHDRAWN						
CX-1932	WITHDRAWN						
CX-1933	WITHDRAWN						
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CX-1941	WITHDRAWN						
CX-1942	WITHDRAWN						
CX-1943	WITHDRAWN						
CX-1944	WITHDRAWN						
CX-1945	WITHDRAWN						
CX-1946	WITHDRAWN						
CX-1947	WITHDRAWN						
CX-1948	WITHDRAWN						
CX-1949	WITHDRAWN						
CX-1950	WITHDRAWN						

Exhibit No.	Cont. Description/Title	Register Range	Register Range	Date	Purpose	Sponsoring With(s)	Entered into Evidence
CX-1931	WITHDRAWN						
CX-1932	WITHDRAWN						
CX-1933	WITHDRAWN						
CX-1934	WITHDRAWN						
CX-1935	C Letter from Rudy to Daniel Naum	LP_ITC-0028333	LP_ITC-0028333	12/22/1999	Conception/Reduction	Rudy Pohlert	6/19/2012
CX-1936	C WITHDRAWN						
CX-1937	C WITHDRAWN						
CX-1938	C WITHDRAWN						
CX-1939	C WITHDRAWN						
CX-1940	Lilepanels Price List	LP_ITC-0060584	LP_ITC-0060555	03/30/2008	Kennedy	Rudy Pohlert	6/19/2012
CX-1941	WITHDRAWN						
CX-1942	WITHDRAWN						
CX-1943	WITHDRAWN						
CX-1944	Lilepanels Price List	LP_ITC-0112404	LP_ITC-0112423	4/1/2011	Kennedy	Rudy Pohlert	6/19/2012
CX-1945	C WITHDRAWN						
CX-1946	C WITHDRAWN						
CX-1947	WITHDRAWN						
CX-1948	WITHDRAWN						
CX-1949	WITHDRAWN						
CX-1950	WITHDRAWN						
CX-1951	C Witness Statement: Mike Wood	N/A			Infringement; Kennedy/Bonding: Ordinary Skill in the Art; Claim Construction	Mike Wood	6/20/2012
CX-1952	NOT USED						
CX-1953	NOT USED						
CX-1954	C Witness Statement: Rudy Pohlert	N/A			Infringement; Kennedy/Bonding: Ordinary Skill in the Art; Claim Construction	Rudy Pohlert	6/19/2012
CX-1955	NOT USED						
CX-1956	NOT USED						
CX-1957	NOT USED						
CX-1958	NOT USED						
CX-1959	C Invoice from DN Labs to Contrast Lighting Asset Purchase Agreement (Complete)	LP_ITC-0114769	LP_ITC-0114769	7/14/2000	Economic Domestic Industry	Rudy Pohlert	6/19/2012
CX-1960	C WITHDRAWN				Standing/Ownership	Rudy Pohlert	6/19/2012
CX-1961	WITHDRAWN						
CX-1962	C The Vice Group plc - Acquisition of the Assets of Lilepanels, Inc. and Lilepanels, LLC	LP_ITC-0112737	LP_ITC-0112740			Rudy Pohlert	6/19/2012
CX-1963	WITHDRAWN						
CX-1964	WITHDRAWN						
CX-1965	WITHDRAWN						
CX-1966	WITHDRAWN						
CX-1967	WITHDRAWN						
CX-1968	WITHDRAWN						
CX-1969	WITHDRAWN						
CX-1970	WITHDRAWN						
CX-1971	C Cool Light CL-LED298 5600	LP_ITC-0164586	LP_ITC-0164588				6/20/2012
CX-1972	WITHDRAWN						
CX-1973	WITHDRAWN						
CX-1974	WITHDRAWN						
CX-1975	WITHDRAWN						
CX-1976	WITHDRAWN						
CX-1977	WITHDRAWN						
CX-1978	C CL-LED266	LP_ITC-0164589	LP_ITC-0164580				6/20/2012
CX-1979	C CL-LED266	LP_ITC-0164581	LP_ITC-0164580				6/20/2012
CX-1980	C CL-LED1200	LP_ITC-0164591	LP_ITC-0164808				6/20/2012
CX-1981	C Spectral Tests 3-23-12 Coollight	LP_ITC-0164565	LP_ITC-0164565				6/20/2012
CX-1982	WITHDRAWN						
CX-1983	C Spectral Test of the 3X3 Daylight panel	LP_ITC-0163136	LP_ITC-0163136				6/20/2012
CX-1984	WITHDRAWN						
CX-1985	WITHDRAWN						
CX-1986	WITHDRAWN						
CX-1987	WITHDRAWN						
CX-1988	WITHDRAWN						
CX-1989	WITHDRAWN						
CX-1990	WITHDRAWN						
CX-1991	WITHDRAWN						
CX-1992	WITHDRAWN						
CX-1993	WITHDRAWN						
CX-1994	WITHDRAWN						
CX-1995	Advertisement: Lilepanels	LP_ITC-0162649	LP_ITC-0162668		Validity	Ken Fisher	6/20/2012
CX-1996	Advertisement: Vice Annual Report 2009	LP_ITC-0164612	LP_ITC-0164719	00/00/2009	Validity	Ken Fisher	6/20/2012
CX-1997	VECT LBD Camera Light ET-LED 140	LP_ITC-0164610	LP_ITC-0164611		Validity	Ken Fisher	6/20/2012
CX-1998	NOT USED						
CX-1999	NOT USED						
CX-2001	Advertisement: Lilepanels to the Rescue in Vancouver	LP_ITC-0069152	LP_ITC-0069152		Validity	Ken Fisher	6/20/2012
CX-2002	Advertisement: World's First All-LED Studio Goes On-Air	LP_ITC-0069156	LP_ITC-0069157	5/19/2008	Validity	Ken Fisher	6/20/2012

Exhibit No.	Conf.	Description/Title	Exhibitor Name	Page(s)	Range	Date	Purpose	Supporting Witness(es)	Entered into Evidence
CK-2003		Advertisement: World's First All-LED Studio Goes On-Air	LP_ITC-0069176	LP_ITC-0069177	7/23/2008	Validity	Ken Fisher	6/20/2012	
CK-2004		Advertisement: On the Set - Litepanels to the Rescue in Vancouver	LP_ITC-0069186	LP_ITC-0069187	6/27/2008	Validity	Ken Fisher	6/20/2012	
CK-2005		Litepanels News Release	LP_ITC-0069210	LP_ITC-0069212	6/27/2008	Validity	Ken Fisher	6/20/2012	
CK-2006		Advertisement: Litepanels Introduces New Micro	LP_ITC-0069211	LP_ITC-0069212	7/23/2008	Validity	Ken Fisher	6/20/2012	
CK-2007		Advertisement: World's First All-LED Studio Goes On-Air	LP_ITC-0069232	LP_ITC-0069233	1/19/2009	Validity	Ken Fisher	6/20/2012	
CK-2008		Advertisement: Litepanels Broadcast Lighting Division	LP_ITC-0069247	LP_ITC-0069250	07/06/1928	Validity	Mike Wood	6/20/2012	
CK-2009		Academy 1927 ssl_report[1]	LP_ITC-0161055	LP_ITC-0161136		Validity	Mike Wood	6/20/2012	
CK-2010		Press Release: Color Kinetics and the Revolutionary Full Spectrum Digital Lighting Technology	LP_ITC-0161165	LP_ITC-0161166	2/28/2000	Validity	Mike Wood	6/20/2012	
CK-2011		Press Release: Color Kinetics Revolutionary LED-Based Intelligent Lighting Technology Added to Smithsonian Collections	LP_ITC-0161167	LP_ITC-0161168	8/17/2001	Validity	Mike Wood	6/20/2012	
CK-2012		Color Quality of White LEDs from US Department of Energy	LP_ITC-0161169	LP_ITC-0161170	1/14/2008	Validity	Mike Wood	6/20/2012	
CK-2013		Tech - Insight from EBU Technical	LP_ITC-0161173	LP_ITC-0161188	2/15/2012	Validity	Mike Wood	6/20/2012	
CK-2014		NOT USED							
CK-2015		LED Stage Lighting - Why Buy RGB LED Stage Lights	LP_ITC-0161199	LP_ITC-0161228		Validity	Mike Wood	6/20/2012	
CK-2016		Color Mixing with LEDs: The Keys to Achieving both Beautiful and Functional Results	LP_ITC-0161341	LP_ITC-0161345		Validity	Mike Wood	6/20/2012	
CK-2017		Set Lighting Technicians Handbook (2003) Third Edition	LP_ITC-0161346	LP_ITC-0161390	09/06/2003	Validity	Mike Wood	6/20/2012	
CK-2018		The Academy of Motion Picture Arts and Sciences Solid State Lighting Project - Science & Technology Council - Academy of Motion Picture Arts and Sciences	LP_ITC-0161931	LP_ITC-0161932		Validity	Mike Wood	6/20/2012	
CK-2019		A Review of New Products, 3-1-2004, Millimeter	LP_ITC-0162034	LP_ITC-0162037	4/1/2004	Validity	Mike Wood	6/20/2012	
CK-2020		Best of 2005 Editors' & Columnists' Picks, 12-2005, EventDV	LP_ITC-0162036	LP_ITC-0162061	12/06/2005	Validity	Mike Wood	6/20/2012	
CK-2021		Best provides Litepanels LED lighting systems for all 2010 CBS Sports, and all FOX Sports NFL telecasts	LP_ITC-0162082	LP_ITC-0162064		Validity	Mike Wood	6/20/2012	
CK-2022		Case Study: Litepanels at Superbowl XLV	LP_ITC-0162074	LP_ITC-0162077		Validity	Ken Fisher	6/20/2012	
CK-2023		NOT USED							
CK-2024		NOT USED							
CK-2025		NOT USED							
CK-2026		Fargo TV Station installs Litepanels in their News Studio	LP_ITC-0162135	LP_ITC-0162136		Validity	Ken Fisher	6/20/2012	
CK-2027		French Television - Loss of Light, Little Space	LP_ITC-0162141	LP_ITC-0162142		Validity	Ken Fisher	6/20/2012	
CK-2028		Guangzhou Emiflyto Trade Co Homepage	LP_ITC-0162154	LP_ITC-0162160	8/9/2011	Validity	Mike Wood	6/20/2012	
CK-2029		LED Lighting a Cool Alternative for Broadcast, Video, Film Production	LP_ITC-0162204	LP_ITC-0162207	2/17/2009	Validity	Mike Wood	6/20/2012	
CK-2030		LED Lighting in Broadcast, Video & Motion Pictures Market Forecast (2010-2012)	LP_ITC-0162208	LP_ITC-0162210	4/8/2012	Validity	Mike Wood	6/20/2012	
CK-2031		LED Lighting - Now Being Used in the Film Industry	LP_ITC-0162211	LP_ITC-0162213	5/26/2011	Validity	Ken Fisher	6/20/2012	
CK-2032		Let there be Light Lite Panel#1, 2005, Douglas Spoiled Eagle	LP_ITC-0162332	LP_ITC-0162335		Validity	Ken Fisher	6/20/2012	
CK-2033		Litepanels Homepage	LP_ITC-0162336	LP_ITC-0162338		Validity	Ken Fisher	6/20/2012	
CK-2034		Litepanels Broadcast Advertisages	LP_ITC-0162339	LP_ITC-0162361		Validity	Ken Fisher	6/20/2012	
CK-2035		Litepanels Broadcast Newsletter	LP_ITC-0162362	LP_ITC-0162365	4/8/2010	Validity	Ken Fisher	6/20/2012	
CK-2036		Litepanels Case Study: CBS 12	LP_ITC-0162366	LP_ITC-0162369		Validity	Ken Fisher	6/20/2012	
CK-2037		Litepanels Case Study: French Television	LP_ITC-0162370	LP_ITC-0162372		Validity	Ken Fisher	6/20/2012	
CK-2038		Litepanels Case Study: iBook Media	LP_ITC-0162373	LP_ITC-0162375		Validity	Ken Fisher	6/20/2012	
CK-2039		Litepanels Case Study: Nova TV	LP_ITC-0162376	LP_ITC-0162378		Validity	Ken Fisher	6/20/2012	
CK-2040		Litepanels Eco-Smart Broadcast Lighting Division	LP_ITC-0162387	LP_ITC-0162390		Validity	Ken Fisher	6/20/2012	
CK-2041		Litepanels eco-smart Studio Lighting	LP_ITC-0162391	LP_ITC-0162396	4/7/2011	Validity	Ken Fisher	6/20/2012	

Exhibit No.	Case Description/TITLE	Requesting Party	Requesting Party	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CX-2042	Litepanels Hilo High Output LED Lighting Fixtures Illuminate Red Carpet for KTTA	LP_JTC-0162397	LP_JTC-0162398	12/13/2011	Validity	Ken Fisher	6/20/2012
CX-2043	Litepanels in CNN's New Studio	LP_JTC-0162399	LP_JTC-0162400		Validity	Ken Fisher	6/20/2012
CX-2044	Litepanels Installation in Monroe, LA station KNOE	LP_JTC-0162401	LP_JTC-0162402	10/4/2011	Validity	Ken Fisher	6/20/2012
CX-2045	Litepanels Make Weeks Sports	LP_JTC-0162415	LP_JTC-0162416		Validity	Ken Fisher	6/20/2012
CX-2046	Litepanels Offers New Key Player to Pro and Colleges Football Broadcasters	LP_JTC-0162417	LP_JTC-0162418	10/4/2011	Validity	Ken Fisher	6/20/2012
CX-2047	Litepanels Products Key Features	LP_JTC-0162419	LP_JTC-0162421		Validity	Ken Fisher	6/20/2012
CX-2048	Litepanels Receives Emmy for Lighting Equipment Technology Hollywood, CA	LP_JTC-0162422	LP_JTC-0162423	7/29/2009	Validity	Mike Wood	6/20/2012
CX-2049	Litepanels Studio Lighting Guide	LP_JTC-0162424	LP_JTC-0162429		Validity	Mike Wood	6/20/2012
CX-2050	NOT USED						
CX-2051	NOT USED						
CX-2052	Location, Location, Location, with Litepanels	LP_JTC-0162434	LP_JTC-0162437		Validity	Mike Wood	6/20/2012
CX-2053	McNeeley Chooses Litepanels For The Outdoorsman Adventure Series	LP_JTC-0162439	LP_JTC-0162461		Validity	Ken Fisher	6/20/2012
CX-2054	NOT USED						
CX-2055	MTV3 Lights up Finnish mornings with Soda 6	LP_JTC-0162467	LP_JTC-0162468	1/10/2012	Validity	Mike Wood	6/20/2012
CX-2056	Students See the Light	LP_JTC-0162534	LP_JTC-0162536	9/8/2009	Validity	Mike Wood	6/20/2012
CX-2057	The Next Chapter in Photographic lighting	LP_JTC-0162548	LP_JTC-0162561		Validity	Mike Wood	6/20/2012
CX-2058	WITHDRAWN						
CX-2059	White LED lamp market brightens	LP_JTC-0162568	LP_JTC-0162571	7/18/2002	Validity	Mike Wood	6/20/2012
CX-2060	Secondary Considerations of Non-Observable Awards	LP_JTC-0163326	LP_JTC-0163326		Validity	Ken Fisher	6/20/2012
CX-2061	Tungsten vs. Fluorescent: New directions in studio lighting by Peter Bryenton	LP_JTC-0163377	LP_JTC-0163329	06/00/1997	Validity	Mike Wood	6/20/2012
CX-2062	Gazing into the Future: A Lighting Design Wish List by Ted Ferreira	LP_JTC-0163330	LP_JTC-0163334	08/00/2000	Validity	Mike Wood	6/20/2012
CX-2063	ARRI 1st LED products	LP_JTC-0163386	LP_JTC-0163386	1/18/2009	Validity	Ken Fisher	6/20/2012
CX-2064	ARRI Sky Panel No Longer Available	LP_JTC-0163387	LP_JTC-0163388	1/18/2009	Validity	Ken Fisher	6/20/2012
CX-2065	ARRI Sky Panel	LP_JTC-0163389	LP_JTC-0163389	9/8/2003	Validity	Ken Fisher	6/20/2012
CX-2066	NOT USED						
CX-2067	Cool Lights USA News & Information As Blog Archive As LEDs Part I Behind the Hype	LP_JTC-0163391	LP_JTC-0163399	4/2/2012	Validity	Ken Fisher	6/20/2012
CX-2068	LEDs Challenging Science - Richard Andrewski	LP_JTC-0163600	LP_JTC-0163600	12/1/2009	Validity	Mike Wood	6/20/2012
CX-2069	Lightness Online News and Resources for the LED and Solid State Lighting Industry and its Supply Chain	LP_JTC-0163601	LP_JTC-0163604	3/24/2012	Validity	Mike Wood	6/20/2012
CX-2070	Litepanels 1x1 Photos Including Whitehouse and Pentagon	LP_JTC-0163605	LP_JTC-0163610	8/15/2010	Validity	Mike Wood	6/20/2012
CX-2071	WITHDRAWN						
CX-2072	WITHDRAWN						
CX-2073	WITHDRAWN						
CX-2074	John Fuft	LP_JTC-0163515	LP_JTC-0163519	3/29/2012	Validity	Mike Wood	6/20/2012
CX-2075	Rebuttal Witness Statement: Mike Wood						
CX-2076	Rebuttal Witness Statement: Ken Fisher					Ken Fisher	6/20/2012
CX-2077	WITHDRAWN						
CX-2078	WITHDRAWN						
CX-2079	WITHDRAWN						
CX-2080	Spectral Tests Flightlight	N/A		6/16/2012	Infringement	Mike Wood	6/20/2012
CX-2081	Spectral Tests Coolflight	N/A		6/16/2012	Infringement	Mike Wood	6/20/2012
CX-2082	NOT USED						
CX-2083	Tea-down Photo: Flightlight	N/A			Infringement	Mike Wood	6/20/2012
CX-2084	Tea-down Photo: Coolights	N/A			Infringement	Mike Wood	6/20/2012

Exhibit No.	Cont.	Description/Title	Re-Build	Re-File	Re-Open	Re-Submit	Re-Verify	Sponsoring Witness(es)	Entered into Evidence
CDX-1	C	Supplemental Direct Testimony of Mike Wood Figure 1 of Initial Report - Spectra of theoretical daylight and incandescent lamps						Mike Wood	6/20/2012
CDX-2		Figure 2 of Initial Report - Spectra of low pressure sodium street light						Mike Wood	6/20/2012
CDX-3		Figure 3 Initial Report- Spectrum of arc discharge lamp						Mike Wood	6/20/2012
CDX-4		Figure 4 Initial Report- Spectrum of typical domestic fluorescent lamp						Mike Wood	6/20/2012
CDX-5		Figure 5 Initial Report - Spectrum of Kino Flo high CRI fluorescent lamp						Mike Wood	6/20/2012
CDX-6		Figure 9 Rebuttal Report - Heitz's Law						Mike Wood	6/20/2012
CDX-7		Figure 10 Rebuttal Report						Mike Wood	6/20/2012
CDX-8		NOT USED						Mike Wood	6/20/2012
CDX-9		NOT USED						Mike Wood	6/20/2012
CDX-10		NOT USED						Mike Wood	6/20/2012
CDX-11		Figure 11 Rebuttal Report						Mike Wood	6/20/2012
CDX-12		Figure 12 Rebuttal Report						Mike Wood	6/20/2012
CDX-13		Figure 13 Rebuttal Report						Mike Wood	6/20/2012
CDX-14		Figure 14 Rebuttal Report						Mike Wood	6/20/2012
CDX-15		Figure 15 Rebuttal Report						Mike Wood	6/20/2012
CDX-16		Figure 16 Rebuttal Report						Mike Wood	6/20/2012
CDX-17		Figure 3 Rebuttal Report						Mike Wood	6/20/2012
CDX-18		Figure 4 Rebuttal Report						Mike Wood	6/20/2012
CDX-19		Figure 17 Rebuttal Report						Mike Wood	6/20/2012
CDX-20		Figure 16 Rebuttal Report						Mike Wood	6/20/2012
CDX-21		Figure 7 Initial Report						Mike Wood	6/20/2012
CDX-22		Figure 8 Initial Report						Mike Wood	6/20/2012
CDX-23		Figure 9 Initial Report						Mike Wood	6/20/2012
CDX-24		Figure 10 Initial Report						Mike Wood	6/20/2012
CDX-25		Figure 11 Initial Report						Mike Wood	6/20/2012
CDX-26		Figure 6 Rebuttal Report						Mike Wood	6/20/2012
CDX-27		Claim Construction Charts from Report						Mike Wood	6/20/2012
CDX-28		Figure 35						Mike Wood	6/20/2012
CDX-29		Diagram LED Package Light emitting P-n junction						Mike Wood	6/20/2012
CDX-30		Diagram from Dr. Schubert's Report						Mike Wood	6/20/2012
CDX-31		Claim Charts						Mike Wood	6/20/2012
CDX-32		Claim Chart: 652 Patent by the Representative Products of R&V						Mike Wood	6/20/2012
CDX-33		Claim Chart: 652 Patent by the Representative Products of I&AN						Mike Wood	6/20/2012
CDX-34		Claim Chart: 652 Patent by the Representative Products of I&AN						Mike Wood	6/20/2012
CDX-35		Claim Chart: 652 Patent by the Representative Products of Stellar						Mike Wood	6/20/2012
CDX-36		Claim Chart: 652 Patent by the representative Nangung daylight products						Mike Wood	6/20/2012
CDX-37		Claim Chart: 652 Patent by the Representative BiColor Products of Nangung						Mike Wood	6/20/2012
CDX-38		Claim Chart: 652 Patent by the representative Fotodox daylight products						Mike Wood	6/20/2012
CDX-39		Claim Chart: infringement of the 652 Patent by the representative Fotodox daylight products						Mike Wood	6/20/2012
CDX-40		Claim Chart: 652 Patent by the representative Fotlight/Prompter daylight products						Mike Wood	6/20/2012
CDX-41		Claim Chart: Appendix F of Initial Wood Expert Report						Mike Wood	6/20/2012
CDX-42		Claim Chart: 022 Patent by the Representative Products of F&V						Mike Wood	6/20/2012
CDX-43		Claim Chart: 022 Patent by the Representative Products of I&AN						Mike Wood	6/20/2012
CDX-44		Claim Chart: 022 Patent by the Representative Products of I&AN						Mike Wood	6/20/2012
CDX-45		Claim Chart: 022 Patent by the Representative Products of STELLAR						Mike Wood	6/20/2012
CDX-46		Claim Chart: 022 Patent by the Representative Products of Nangung						Mike Wood	6/20/2012
CDX-47		Claim Chart: 022 Patent by the Representative Products of Nangung						Mike Wood	6/20/2012
CDX-48		Claim Chart: 022 Patent by the Representative Products of Fotodox						Mike Wood	6/20/2012

Exhibit No.	Cont. Description/Title	Repaired Range	Resigned Range	Date	Purpose	Sponsoring Witness(es)	Entered Into Evidence
CDX-49	Claim Chart: Infringement of the U2 Patent by the Representative Products of Fotodox				Infringement	Mike Wood	6/20/2012
CDX-50	Claim Chart: 822 Patent by the Representative Products of Fotolight				Infringement	Mike Wood	6/20/2012
CDX-51	Claim Chart: 823 Patent by the Representative Products of P&V				Infringement	Mike Wood	6/20/2012
CDX-52	Claim Chart: 823 Patent by the Representative Products of Iken				Infringement	Mike Wood	6/20/2012
CDX-53	Claim Chart: 823 Patent by the Representative Products of Stellar				Infringement	Mike Wood	6/20/2012
CDX-54	Claim Chart: 823 Patent by the Representative Products of Nangung				Infringement	Mike Wood	6/20/2012
CDX-55	Claim Chart: 823 Patent by the Representative Products of Fotodox				Infringement	Mike Wood	6/20/2012
CDX-56	Claim Chart: 823 Patent by the Representative Products of Prompter/Folight				Infringement	Mike Wood	6/20/2012
CDX-57	WITHDRAWN						
CDX-58	WITHDRAWN						
CDX-59	WITHDRAWN						
CDX-60	WITHDRAWN						
CDX-61	WITHDRAWN						
CDX-62	WITHDRAWN						
CDX-63	WITHDRAWN						
CDX-64	WITHDRAWN						
CDX-65	WITHDRAWN						
CDX-66	WITHDRAWN						
CDX-67	WITHDRAWN						
CDX-68	WITHDRAWN						
CDX-69	WITHDRAWN						
CDX-70	WITHDRAWN						
CDX-71	WITHDRAWN						
CDX-72	WITHDRAWN						
CDX-73	NOT USED						
CDX-74	NOT USED						
CDX-75	NOT USED						
CDX-76	NOT USED						
CDX-77	NOT USED						
CDX-78	NOT USED						
CDX-79	NOT USED						
CDX-80	NOT USED						
CDX-81	NOT USED						
CDX-82	NOT USED						
CDX-83	NOT USED						
CDX-84	NOT USED						
CDX-85	NOT USED						
CDX-86	NOT USED						
CDX-87	NOT USED						
CDX-88	NOT USED						
CDX-89	NOT USED						
CDX-90	NOT USED						
CDX-91	NOT USED						
CDX-92	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-93	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-94	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-95	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-96	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-97	Fisher Diagram				Validity	Ken Fisher	6/20/2012
CDX-98	Fisher Diagram				Validity	Ken Fisher	6/20/2012

Exhibit No.	Conf. Description/Title	Begin Date	End Date	Range	Date	Purpose	Sponsoring Witness(es)	Entered into Evidence
CPX-73	NanGang CN-1200CHS	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-74	NanGang CN-1200CH	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-75	NanGang CN-1200CHP	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-76	NanGang CN-B144 LBD	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-77	NanGang CN-LUX560	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-78	NanGang CN-LUX1500	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-79	WITHDRAWN							
CPX-80	Stellar Stellar 96D	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-81	WITHDRAWN							
CPX-82	WITHDRAWN							
CPX-83	MiniPlus Daylight Spot	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-84	WITHDRAWN							
CPX-85	MiniPlus Tungsten Flood	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-86	WITHDRAWN							
CPX-87	WITHDRAWN							
CPX-88	WITHDRAWN							
CPX-89	WITHDRAWN							
CPX-90	1X1 Daylight Flood	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-91	WITHDRAWN							
CPX-92	1X1 Tungsten Flood	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-93	WITHDRAWN							
CPX-94	1X1 Bi-Color	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-95	WITHDRAWN							
CPX-96	WITHDRAWN							
CPX-97	Micro Fixture	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-98	MicroPro Fixture	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-99	MicroPro Fixture	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-100	MicroPro Hybrid Fixture	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-101	Croma	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-102	WITHDRAWN							
CPX-103	WITHDRAWN							
CPX-104	WITHDRAWN							
CPX-105	Gerald Milleson, THE TECHNIQUE OF LIGHTING FOR TELEVISION AND MOTION PICTURES (1991 3rd Edition)	N/A			N/A	Validity, Technical Background, Ordinary Skill in the Art, Claim Construction	Mike Wood	6/20/2012
CPX-106	Verne Carlson & Sylvia E. Carlson, PROFESSIONAL LIGHTING HANDBOOK (2d ed. 1991) pgs. 10-13, 15-40, 107-116 and in its entirety.	N/A			N/A	Validity, Technical Background, Ordinary Skill in the Art, Claim Construction	Mike Wood	6/20/2012
CPX-107	Emmy Statue	N/A			N/A	Infringement	Rudy Pohler	6/19/2012
CPX-108	Ringlite Prototype Device	N/A			N/A	Infringement	Rudy Pohler	6/19/2012
CPX-109	Erfred Schubert, Light-Emitting Devices (2nd Edition) 2006	N/A			N/A	Infringement	Mike Wood	6/20/2012
CPX-110	WITHDRAWN							
CPX-111	WITHDRAWN							

EXHIBIT A-2

EXHIBIT NO.	DIRECT EXHIBIT	EXHIBIT 9	CONFIDENTIAL MARKING	DATE	REVISED NO.	EXHIBIT DESCRIPTION	SPONSORING WITNESSES	PURPOSE	STATUS OF RESOLUT
RX-1						WITHDRAWN			WITHDRAWN
RX-2						WITHDRAWN			WITHDRAWN
RX-3						WITHDRAWN			WITHDRAWN
RX-4						WITHDRAWN			WITHDRAWN
RX-5						WITHDRAWN			WITHDRAWN
RX-6						WITHDRAWN			WITHDRAWN
RX-7						WITHDRAWN			WITHDRAWN
RX-8						WITHDRAWN			WITHDRAWN
RX-9						WITHDRAWN			WITHDRAWN
RX-10						WITHDRAWN			WITHDRAWN
RX-11						WITHDRAWN			WITHDRAWN
RX-12						WITHDRAWN			WITHDRAWN
RX-13						WITHDRAWN			WITHDRAWN
RX-14						WITHDRAWN			WITHDRAWN
RX-15		X		2012.4.19		The Robotox Respondents' Motion for Summary Determination of Non-Infringement Based on Failure of Proof	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-16		X	C	2012.4.19	2012.4.19	Memorandum of Points and Authorities in Support of the Robotox Respondents' Motion for Summary Determination of Non-Infringement/Based Upon Failure of Proof	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-17						WITHDRAWN			WITHDRAWN
RX-18		X	C	2012.4.19	NA	Exhibit 02 Declaration of Merritt R. Blakeslee, dated April 19, 2012.	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-19		X	C	2012.4.19	NA	Exhibit 03 Email from Merritt Blakeslee to Michael Newman, dated October 26, 2011	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-20			C			WITHDRAWN			WITHDRAWN
RX-21						WITHDRAWN			WITHDRAWN
RX-22		X	C	2012.4.19	NA	Exhibit 06 Declaration of Rich Werl, dated April 19, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-23		X	C	2012.4.19	NA	Exhibit 07 Email from A. DeVoogd to M. Blakeslee, dated Feb. 15, 2012 and Reply to same Feb. 16, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-24		X	C	2012.4.19	NA	Exhibit 08 Email from A. DeVoogd to M. Blakeslee, dated Feb. 23, 2012 and Reply to same Feb. 23, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-25		X	C	2012.4.19	NA	Exhibit 09 Declaration of Melissa Moore, dated April 19, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-26		X	C	2012.4.19	NA	Exhibit 10 Email from A. From M. Blakeslee to A. DeVoogd, dated Feb. 23, 2012 and Reply to same Feb. 23, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-27		X	C	2012.4.19	NA	Exhibit 11 Email from M. Blakeslee to A. DeVoogd, dated Feb. 24, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-28		X	C	2012.4.19	NA	Exhibit 12 Email from M. Blakeslee to A. DeVoogd, dated Feb. 28, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-29			C			WITHDRAWN			WITHDRAWN
RX-30		X	C	2012.4.19	NA	Exhibit 14 Declaration of Gloria Allen, dated April 19, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-31			C			WITHDRAWN			WITHDRAWN

RX-32	X	C	2012.4.19	NA	Exhibit 16 Email from M. Blakelee to A. DeVogel, dated March 1, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-33	X	C	2012.4.19	NA	Exhibit 17 Email from M. Blakelee to A. DeVogel, dated of March 2, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-34	X	C	2012.4.19	NA	Exhibit 18 Email from A. DeVogel to M. Blakelee, dated April 12, 2012	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-35		C			WITHDRAWN			WITHDRAWN
RX-36		C			WITHDRAWN			WITHDRAWN
RX-37		C			WITHDRAWN			WITHDRAWN
RX-38		C			WITHDRAWN			WITHDRAWN
RX-39		C			WITHDRAWN			WITHDRAWN
RX-40		C			WITHDRAWN			WITHDRAWN
RX-41	X	C	2012.4.19	NA	Exhibit 25 Letter of February 29, 2012 from Michael Newman re: setting out agreement of parties re: Contention Interrogatories	Dr. Fred Scholl	Non-infringement	STRICKEN 6/18/12
RX-42					WITHDRAWN			WITHDRAWN
RX-43					WITHDRAWN			WITHDRAWN
RX-44		C			WITHDRAWN			WITHDRAWN
RX-45	X	C		NA	Exhibit A to Respondents' Podolox Inc, Yuyao Podolox Photo Equipment Co, Ltd; Yuyao Lishuai Photo-Facility Co, Ltd, Yuyao Lily Collection Co, Ltd, Prompter People, Inc, Flo Light LLC, Ikan International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights USA's Memorandum in Support of Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022 for Failure to Comply with Best Mode Requirement of 35 U.S.C. § 112, ¶ 1- US 6,948,823	Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-46	X			NA	Exhibit B to Respondents' Podolox Inc, Yuyao Podolox Photo Equipment Co, Ltd; Yuyao Lishuai Photo-Facility Co, Ltd, Yuyao Lily Collection Co, Ltd, Prompter People, Inc, Flo Light LLC, Ikan International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights USA's Memorandum in Support of Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022 for Failure to Comply with Best Mode Requirement of 35 U.S.C. § 112, ¶ 1- US 7,318,652	Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-47					WITHDRAWN			WITHDRAWN
RX-48		C			WITHDRAWN			WITHDRAWN
RX-49		C			WITHDRAWN			WITHDRAWN
RX-50		C			WITHDRAWN			WITHDRAWN

RX-51	X	X	C	2012.4.2	NA	Exhibit G to Respondents' Photocopy Inc., Yuyao Photocopy Photo Equipment Co., Ltd., Yuyao Lishual Photo-Facility Co., Ltd., Yuyao Lily Collection Co., Ltd., Prompter People, Inc., Rio Light LLC, Ilean International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights USA's Memorandum in Support of Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022 for Failure to Comply with Best Mode Requirement of 35 U.S.C. § 112, ¶ 1 - Letter from K. Baxter to Teresa (LP_ITCO061848)	Dr. Fred Scholl, Kevin Baxter, Lilepanels Inc., or Lilepanels, Ltd.	Invalidity	ADMITTED- 6/20/12 WITHDRAWN
RX-52	X		C			Respondents Photocopy Inc., Yuyao Photocopy Photo Equipment Co., Ltd., Yuyao Lishual Photo-Facility Co., Ltd.; and Yuyao Lily Collection Co., Ltd., Prompter People, Inc., Rio Light LLC, Ilean International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights USA's Motion for Summary Determination of Invalidity of U.S. Patent Nos. 6,948,823, 7,318,652 AND 7,972,022 For Failure to Comply with 35 U.S.C. § 112, ¶ 2	Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-53	X		C	2012.4.19	NA	Respondents Photocopy Inc., Yuyao Photocopy Photo Equipment Co., Ltd., Yuyao Lishual Photo-Facility Co., Ltd.; and Yuyao Lily Collection Co., Ltd., Prompter People, Inc., Rio Light LLC, Ilean International Corporation, and Advanced Business Computer Services, LLC d/b/a Cool Lights USA's Memorandum in Support of Motion for Summary Determination of Invalidity of U.S. Patent Nos. 6,948,823, 7,318,652 AND 7,972,022 For Failure to Comply with 35 U.S.C. § 112, ¶ 2	Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-54	X		C	2012.4.19		WITHDRAWN			STRICKEN 6/18/12
RX-55			C			WITHDRAWN			WITHDRAWN
RX-56			C			WITHDRAWN			WITHDRAWN
RX-57			C			WITHDRAWN			WITHDRAWN
RX-58	X		C	2012.4.30	NA	Complainant Lilepanels, Inc. And Lilepanels Led's Opposition To Respondents Motion For Summary Determination Of Invalidity Of All Of The Asserted Claims Of The U.S. Patent Nos. 6,948,823, 7,318,652 And 7,972,022 And Cross Motion To Strike The Dec. Of Dr. E. Fred Schubert	Lilepanels	Invalidity	STRICKEN 6/18/12
RX-59		X	C	2012.4.30	NA	Lilepanels, Inc. And Lilepanels, Led's Opposition To The Photocopy Respondents' Motion For Summary Determination Of Non-Infringement Based On Failure Of Proof	Lilepanels	Non-Infringement	STRICKEN 6/18/12

RX-60	X		C	2012.4.30	NA	Litpanels Inc. And Litpanels, Led's Opposition To Respondents Fotodiox Inc., Yuyao Fotodiox Photo Equipment Co., Ltd., Yuyao Lishuai Photo-Facility Co., Ltd.; And Yuyao Lily Collection Co., Ltd., Promper People, Inc., Rio Light, Loc, Ikan International Corporation, And Advanced Business Computer Services, Loc d/b/a Cool Lights Motion For Summary Determination Of Invalidity Of U.S. Patent Nos. 6,948,823, 7,318,652 And 7,972,022 For Failure To Comply With The Best Mode Requirement Of 35 U.S.C. § 112, ¶ 1 COMPLAINANTS LITPANELS, INC. AND LITPANELS, LTD.'S MEMORANDUM OF POINTS AND AUTHORITIES IN RESPONSE TO RESPONDENTS' MOTION FOR SUMMARY DETERMINATION OF INVALIDITY OF U.S. PATENT NOS. 6,948,823, 7,318,652 AND 7,972,022 FOR FAILURE TO COMPLY WITH 35 U.S.C. § 112, ¶ 1	Litpanels	Invalidity	STRICKEN 6/18/12
RX-61	X		C	2012.4.30	NA	COMPLAINANT LITPANELS, INC. AND LITPANELS LTD.'S STATEMENT OF ADDITIONAL MATERIAL FACTS IN OPPOSITION TO THE FOTODIOX RESPONDENTS' MOTION FOR SUMMARY DETERMINATION OF NONINFRINGEMENTMENT BASED ON FAILURE OF PROOF	Litpanels	Invalidity	STRICKEN 6/18/12
RX-62	X		C	2012.4.30	NA	Litpanels Inc. And Litpanels, Led's Response To Respondents Fotodiox Inc., Yuyao Fotodiox Photo Equipment Co., Ltd., Yuyao Lishuai Photo-Facility Co., Ltd., Yuyao Lily Collection Co., Ltd., Promper People, Inc., Flolight Loc., Ikan International Corporation, And Advanced Business Computer Services D/B/A Cool Lights USA's Statement Of Material Facts Not In Dispute In Support Of Motion For Summary Determination Of Invalidity Of U.S. Patent Nos. 6,948,823, 7,318,652 And 7,972,022 For Failure To Comply With The Best Mode Requirement Of 35 U.S.C. § 112, ¶ 1	Litpanels	Invalidity	STRICKEN 6/18/12
RX-63	X		C	2012.4.30	NA	Litpanels, Inc. And Litpanels, Led's Response To The Fotodiox Respondents' The Statement Of Undisputed Material Facts Submitted In Their Motion For Summary Determination Of Non-Infringement Based On Failure Of Proof	Litpanels	Non-Infringement	STRICKEN 6/18/12
RX-64		X	C	2012.4.30	NA	Complainant Litpanels, Inc. And Litpanels, Led's Response To Respondents' Statement Of Material Facts Not In Dispute Incorporated Into Their Motion For Summary Determination Of Invalidity Of U.S. Patent Nos. 6,948,823, 7,318,652 And 7,972,022 For Failure To Comply With 35 U.S.C. § 112, ¶ 2	Litpanels	Invalidity	STRICKEN 6/18/12
RX-65	X		C	2012.4.30	NA	Respondents' Motion and Memorandum for Summary Determination of Invalidity of All of the Asserted Claims of the U.S. Patent Nos. 6,948,823, 7,318,652 and 7,972,022	F&V and Nanguang by counsel	Invalidity	STRICKEN 6/18/12
RX-66	X	X	C	2012.4.19	NA			Invalidity	STRICKEN 6/18/12

RX-86		C			WITHDRAWN			WITHDRAWN
RX-87		C			WITHDRAWN			WITHDRAWN
RX-88		C			WITHDRAWN			WITHDRAWN
RX-89		C			WITHDRAWN			WITHDRAWN
RX-90		C			WITHDRAWN			WITHDRAWN
RX-91		C			WITHDRAWN			WITHDRAWN
RX-92		C			WITHDRAWN			WITHDRAWN
RX-93		C			WITHDRAWN			WITHDRAWN
RX-94		C			WITHDRAWN			WITHDRAWN
RX-95		C			WITHDRAWN			WITHDRAWN
RX-96		C			WITHDRAWN			WITHDRAWN
RX-97		C			WITHDRAWN			WITHDRAWN
RX-98	X		2011.11.25	NA	Litepanels, Inc. and Litepanels, Ltd.'s Responses To Stellar Lighting Systems' First Set Of Requests For Admissions	Rudy Pohler	Invalidity	ADMITTED-6/20/12
RX-99		C			WITHDRAWN			WITHDRAWN
RX-100		C			WITHDRAWN			WITHDRAWN
RX-101					WITHDRAWN			WITHDRAWN
RX-102		C			WITHDRAWN			WITHDRAWN
RX-103		C			WITHDRAWN			WITHDRAWN
RX-104		C			WITHDRAWN			WITHDRAWN
RX-105		C			WITHDRAWN			WITHDRAWN
RX-106		C			WITHDRAWN			WITHDRAWN
RX-107		C			WITHDRAWN			WITHDRAWN
RX-108		C			WITHDRAWN			WITHDRAWN
RX-109		C			WITHDRAWN			WITHDRAWN
RX-110		C			WITHDRAWN			WITHDRAWN
RX-111		C			WITHDRAWN			WITHDRAWN
RX-112		C			WITHDRAWN			WITHDRAWN
RX-113		C			WITHDRAWN			WITHDRAWN
RX-114		C			WITHDRAWN			WITHDRAWN
RX-115		C			WITHDRAWN			WITHDRAWN
RX-116		C			WITHDRAWN			WITHDRAWN
RX-117		C			WITHDRAWN			WITHDRAWN
RX-118		C			WITHDRAWN			WITHDRAWN
RX-119	X		2012.2.12	NA	Litepanels, Inc. And Litepanels, Ltd's First Supplemental Responses To Stellar Lighting Systems' First Set Of Requests For Admissions	Rudy Pohler	Invalidity	ADMITTED-6/20/12
RX-120	X		2012.2.8	NA	Complainant Litepanels, Inc. And Litepanels, Ltd's Responses To Respondent Stellar Lighting Systems Second Set Of Requests For Admissions	Rudy Pohler	Invalidity	ADMITTED-6/20/12
RX-121	X		2012.2.8	NA	Complainant Litepanels, Inc. And Litepanels, Ltd's Responses To Respondent Stellar Lighting Systems Third Set Of Requests For Admissions	Rudy Pohler	Invalidity	ADMITTED-6/20/12
RX-122		C			WITHDRAWN			WITHDRAWN
RX-123		C			WITHDRAWN			WITHDRAWN
RX-124		C			WITHDRAWN			WITHDRAWN
RX-125		C			WITHDRAWN			WITHDRAWN
RX-126		C		NA	WITHDRAWN			WITHDRAWN

RX-127	X	C	2012.3.8	NA	Litpanels, Inc. And Litpanels, Led's Second Supplemental Responses To Stellar Lighting Systems' First Set Of Requests For Admissions	Rudy Pohler	Invalidity	ADMITTED- 6/20/12 WITHDRAWN
RX-128		C		NA	WITHDRAWN			WITHDRAWN
RX-129	X	C	2012.3.8	NA	Complainants Litpanels, Inc. And Litpanels Led's Objections And Responses To Respondent Foliofox, Inc's First Set Of Requests For Admissions (Nos. 1-37)	Rudy Pohler	Invalidity	ADMITTED- 6/20/12 WITHDRAWN
RX-130		C			WITHDRAWN			WITHDRAWN
RX-131		C			WITHDRAWN			WITHDRAWN
RX-132		C			WITHDRAWN			WITHDRAWN
RX-133		C			WITHDRAWN			WITHDRAWN
RX-134		C			WITHDRAWN			WITHDRAWN
RX-135		C			WITHDRAWN			WITHDRAWN
RX-136		C			WITHDRAWN			WITHDRAWN
RX-137		C			WITHDRAWN			WITHDRAWN
RX-138		C			WITHDRAWN			WITHDRAWN
RX-139		C			WITHDRAWN			WITHDRAWN
RX-140		C			WITHDRAWN			WITHDRAWN
RX-141		C			WITHDRAWN			WITHDRAWN
RX-142		C			WITHDRAWN			WITHDRAWN
RX-143		C			WITHDRAWN			WITHDRAWN
RX-144	X	C	2012.4.25	NA	Litpanels Inc. And Litpanels, Led's Objections And Answers To Respondent Foliofox, Inc's Second Requests For Admissions To Complainants (Nos. 38-148)	Rudy Pohler	Invalidity	ADMITTED- 6/20/12 WITHDRAWN
RX-145		C			WITHDRAWN			WITHDRAWN
RX-146		C			WITHDRAWN			WITHDRAWN
RX-147		C			WITHDRAWN			WITHDRAWN
RX-148		C			WITHDRAWN			WITHDRAWN
RX-149		C			WITHDRAWN			WITHDRAWN
RX-150		C			WITHDRAWN			WITHDRAWN
RX-151		C			WITHDRAWN			WITHDRAWN
RX-152		C			WITHDRAWN			WITHDRAWN
RX-153		C			WITHDRAWN			WITHDRAWN
RX-154		C			WITHDRAWN			WITHDRAWN
RX-155		C			WITHDRAWN			WITHDRAWN
RX-156		C			WITHDRAWN			WITHDRAWN
RX-157		C			WITHDRAWN			WITHDRAWN
RX-158		C			WITHDRAWN			WITHDRAWN
RX-159		C			WITHDRAWN			WITHDRAWN
RX-160		C			WITHDRAWN			WITHDRAWN
RX-161		C			WITHDRAWN			WITHDRAWN
RX-162		C			WITHDRAWN			WITHDRAWN
RX-163		C			WITHDRAWN			WITHDRAWN
RX-164		C			WITHDRAWN			WITHDRAWN
RX-165		C			WITHDRAWN			WITHDRAWN
RX-166		C			WITHDRAWN			WITHDRAWN
RX-167		C			WITHDRAWN			WITHDRAWN
RX-168		C			WITHDRAWN			WITHDRAWN

RX-253	X		C	2012.3.7	NA	Excerpts from Dep. Tr. of Rudy Pohler, dated March 7, 2012	Rudy Pohler	Invalidity	ADMITTED- 6/20/12
RX-254	X		C	2012.3.20	NA	Excerpts from Dep. Tr. of Pat Grosswendt	Pat Grosswendt	Invalidity	ADMITTED- 6/20/12
RX-255			C			WITHDRAWN			WITHDRAWN
RX-256			C			WITHDRAWN			WITHDRAWN
RX-257			C			WITHDRAWN			WITHDRAWN
RX-258	X		C	2012.3.19	NA	CONFIDENTIAL Excerpts from Dep. Tr. of K Fisher	Ken Fisher	Invalidity	ADMITTED- 6/20/12
RX-259			C			WITHDRAWN			WITHDRAWN
RX-260			C			WITHDRAWN			WITHDRAWN
RX-261	X		C	2012.3.6	NA	CONFIDENTIAL Excerpts from Dep. Tr. of Michael Shreeve	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-262	X		C	2012.2.21	NA	Exhibit 01 CONFIDENTIAL Dep. Tr. of Michael Shreeve Michael Shreeve Respondents Flightlight LLC, Prompter People, Inc, Advanced Business Computer Services, LLC d/b/a Cool Lights USA, LKAN Corporation, Fotodiox Inc, Yuyao Fotodiox Photo Equipment Co, Ltd, Yuyao Lishual Photo-Facility Co, Ltd, Yuyao Lily Collection Co, Ltd, Yuyao Lishual Photo-Facility Co, Ltd, Fuzhou FeiY Photographic Equipment Co, Ltd, and Shanhou Nanguang Photographic Equipment Co, Ltd. (Respondents'), Second Notice of Deposition to Liepenais,	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-263	X		C	2011		Exhibit 03 Liepenais' Organizational Chart	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-264	X		C			Exhibit 04 Fixed Asset Appreciation Schedule	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-265	X		C	2006-2011		Exhibit 06 Apportionment of Assets	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-266	X		C	2005-2011		Exhibit 07 Appx Apportionment of Assets	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-267	X		C	2008-2011	LP JTC88365	Exhibit 09 Micro Sales dpc (LP JTC86698)	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-268	X		C	2010-2011	NA	Exhibit 10-Employee Hours Apportionment by Product	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-269	X		C	2005-7-2011.5	NA	Exhibit 12 Payroll Expenses	Michael Shreeve	Invalidity	STRICKEN 6/18/12
RX-270						WITHDRAWN			WITHDRAWN
RX-271						WITHDRAWN			WITHDRAWN
RX-272						WITHDRAWN			WITHDRAWN
RX-273						WITHDRAWN			WITHDRAWN
RX-274						WITHDRAWN			WITHDRAWN
RX-275	X	X	C	2001.3.28	(LP JTC011471-114999; LP JTC163099-163104)	Exhibit No. 04 to CONFIDENTIAL Dep. Tr. of M. Wood various LP JTC Production re conception/ reduction practice	Fred Holmes	Invalidity; Non-Infringement	6/18/12 except for pages 74 and 102
RX-276			C			WITHDRAWN			WITHDRAWN
RX-277			C			WITHDRAWN			WITHDRAWN
RX-278			C			WITHDRAWN			WITHDRAWN

RX-340									WITHDRAWN
RX-341									WITHDRAWN
RX-342									WITHDRAWN
RX-343	X		2099,99,99	NA	CV of Dr. Frederick Scholl		Dr. Fred Scholl	Invalidity	ADMITTED- 6/20/12
RX-344					WITHDRAWN				WITHDRAWN
RX-345					WITHDRAWN				WITHDRAWN
RX-346					WITHDRAWN				WITHDRAWN
RX-347					WITHDRAWN				WITHDRAWN
RX-348					WITHDRAWN				WITHDRAWN
RX-349					WITHDRAWN				WITHDRAWN
RX-350					WITHDRAWN				WITHDRAWN
RX-351					WITHDRAWN				WITHDRAWN
RX-352					WITHDRAWN				WITHDRAWN
RX-353					WITHDRAWN				WITHDRAWN
RX-354					WITHDRAWN				WITHDRAWN
RX-355					WITHDRAWN				WITHDRAWN
RX-356					WITHDRAWN				WITHDRAWN
RX-357					WITHDRAWN				WITHDRAWN
RX-358					WITHDRAWN				WITHDRAWN
RX-359					WITHDRAWN				WITHDRAWN
RX-360					WITHDRAWN				WITHDRAWN
RX-361					WITHDRAWN				WITHDRAWN
RX-362					WITHDRAWN				WITHDRAWN
RX-363					WITHDRAWN				WITHDRAWN
RX-364					WITHDRAWN				WITHDRAWN
RX-365					WITHDRAWN				WITHDRAWN
RX-366					WITHDRAWN				WITHDRAWN
RX-367					WITHDRAWN				WITHDRAWN
RX-368					WITHDRAWN				WITHDRAWN
RX-369					WITHDRAWN				WITHDRAWN
RX-370	X		2012,3,23	NA	App'x C-1 to Initial Report of Dr. Frederick Scholl-The 626 Lvs Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-371	X		2012,3,23	NA	App'x C-1 to Initial Report of Dr. Frederick Scholl-The 626 Lvs Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-372	X		2012,3,23	NA	App'x C-2 to Initial Report of Dr. Frederick Scholl-The 893 Belliveau Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-373	X		2012,3,23	NA	App'x C-3 to Initial Report of Dr. Frederick Scholl-The 336 Decharme Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-374	X		2012,3,23	NA	App'x C-4 to Initial Report of Dr. Frederick Scholl-The 661 Lebens Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-375	X		2012,3,23	NA	App'x C-5 to Initial Report of Dr. Frederick Scholl-The 766 Baily Patent Claim Charts		Dr. Fred Scholl	Invalidity	STRICKEN 6/18/12
RX-376					WITHDRAWN				WITHDRAWN
RX-377					WITHDRAWN				WITHDRAWN
RX-378					WITHDRAWN				WITHDRAWN
RX-379					WITHDRAWN				WITHDRAWN
RX-380					WITHDRAWN				WITHDRAWN
RX-381					WITHDRAWN				WITHDRAWN

RPX-21					WITHDRAWN			WITHDRAWN
RPX-22					WITHDRAWN			WITHDRAWN
RPX-23					WITHDRAWN			WITHDRAWN
RPX-24					WITHDRAWN			WITHDRAWN
RPX-25		X	2012.2.29	FDUS P25	LED1000A	Dr. Fred Scholl; Kelvin Luo	Non- Infringement	ADMITTED- 6/18/12
RPX-26					WITHDRAWN			WITHDRAWN
RPX-27					WITHDRAWN			WITHDRAWN
RPX-28					WITHDRAWN			WITHDRAWN
RPX-29					WITHDRAWN			WITHDRAWN
RPX-30					WITHDRAWN			WITHDRAWN
RPX-31					WITHDRAWN			WITHDRAWN
RPX-32					WITHDRAWN			WITHDRAWN
RPX-33					WITHDRAWN			WITHDRAWN
RPX-34					WITHDRAWN			WITHDRAWN
RPX-35		X	2012.3.6	FDUS P35	LED500A	Dr. Fred Scholl; Kelvin Luo	Non- Infringement	ADMITTED- 6/18/12
RPX-36					WITHDRAWN			WITHDRAWN
RPX-37					WITHDRAWN			WITHDRAWN
RPX-38					WITHDRAWN			WITHDRAWN
RPX-39					WITHDRAWN			WITHDRAWN
RPX-40					WITHDRAWN			WITHDRAWN
RPX-41					WITHDRAWN			WITHDRAWN
RPX-42					WITHDRAWN			WITHDRAWN
RPX-43					WITHDRAWN			WITHDRAWN
RPX-44		X			WITHDRAWN			WITHDRAWN
RPX-45					WITHDRAWN			WITHDRAWN
RPX-46					WITHDRAWN			WITHDRAWN
RPX-47					WITHDRAWN			WITHDRAWN
RPX-48					WITHDRAWN			WITHDRAWN
RPX-49					WITHDRAWN			WITHDRAWN
RPX-50					WITHDRAWN			WITHDRAWN
RPX-51					WITHDRAWN			WITHDRAWN
RPX-52					WITHDRAWN			WITHDRAWN
RPX-53					WITHDRAWN			WITHDRAWN
RPX-54					WITHDRAWN			WITHDRAWN
RPX-55					WITHDRAWN			WITHDRAWN
RPX-56					WITHDRAWN			WITHDRAWN
RPX-57					WITHDRAWN			WITHDRAWN
RPX-58					WITHDRAWN			WITHDRAWN
RPX-59					WITHDRAWN			WITHDRAWN
RPX-60					WITHDRAWN			WITHDRAWN
RPX-61					WITHDRAWN			WITHDRAWN
RPX-62					WITHDRAWN			WITHDRAWN
RPX-63					WITHDRAWN			WITHDRAWN
RPX-64		X			WITHDRAWN			WITHDRAWN
RPX-65	X				WITHDRAWN			WITHDRAWN

RPX-66	X		C		See CPX-108	Ringlite from Litepanels Inspection May 23, 2012	Dr. Fred Scholl	Invalidity	ADMITTED- 6/19/12
RPX-67						WITHDRAWN		Invalidity; Non- Infringement	WITHDRAWN
RPX-68						WITHDRAWN		Invalidity; Non- Infringement	WITHDRAWN
RDX-1	X	X		2012.3.23	NA	App'x C-1 to Initial Report of Dr. Frederick Scholl-The '626 Lys Patent Claim Charts	Dr. Fred Scholl	Invalidity; Non- Infringement	ADMITTED- 6/20/12
RDX-2	X	X		2012.3.23	NA	App'x C-2 to Initial Report of Dr. Frederick Scholl-The '893 Belliveau Patent Claim Charts	Dr. Fred Scholl	Invalidity; Non- Infringement	ADMITTED- 6/20/12
RDX-3	X	X		2012.3.23	NA	App'x C-3 to Initial Report of Dr. Frederick Scholl-The '336 Ducharme Patent Claim Charts	Dr. Fred Scholl	Invalidity; Non- Infringement	ADMITTED- 6/20/12
RDX-4	X	X		2012.3.23	NA	App'x C-4 to Initial Report of Dr. Frederick Scholl-The '661 Lebens Patent Claim Charts	Dr. Fred Scholl	Invalidity; Non- Infringement	ADMITTED- 6/20/12
RDX-5	X	X		2012.3.23	NA	App'x C-5 to Initial Report of Dr. Frederick Scholl-The '766 Baley Patent Claim Charts	Dr. Fred Scholl	Invalidity; Non- Infringement	ADMITTED- 6/20/12
RDX-1				2011.7.5	LP_JTC-0000375- 439	Certified Copy of U.S. Patent No. 7,972,022 (Complaint Exhibit 6)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-2				2006.3.2	LP_JTC-001324- 1623	Certified Copy of the File History for U.S. Patent No. 7,972,022	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-3					LP_JTC-0000441- 461	Certified Copy of U.S. Patent No. 7,972,022 Assignment Record (Complaint Exhibit 6a)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-4				2008.1.15	LP_JTC-0000599- 647	Certified Copy of U.S. Patent No. 7,318,652 (Complaint Exhibit 11)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-5					LP_JTC-0020857- 2263	Certified Copy of the File History for U.S. Patent No. 7,318,652	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-6					LP_JTC-0001274- 1289	Certified Copy of U.S. Patent No. 7,318,652 Assignment Record (Complaint Exhibit 77)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-7				2005.9.27	LP_JTC-0000659- 732	Certified Copy of U.S. Patent No. 6,948,823 (Complaint Exhibit 13)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-8					LP_JTC-0026297- 26909	Certified Copy of the File History for U.S. Patent No. 6,948,823	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-9					LP_JTC-0001307- 1323	Certified Copy of U.S. Patent No. 6,948,823 Assignment Record (Complaint Exhibit 79)	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12
RDX-10					NA	US Patent No. 6,749,310 Pohlert, June 15, 2004, Wide Area Lighting Effects System	Litepanels Inc. & Litepanels Ltd.;	Infringement	ADMITTED- 6/20/12

**CERTAIN LED PHOTOGRAPHIC
LIGHTING DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-804

CONFIDENTIAL CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND** has been served by hand upon the Commission Investigative Attorney, **Mareesa A. Frederick, Esq.**, and the following parties as indicated on **September 7, 2012**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, D.C. 20436

On Behalf of Complainants Litepanels, Ltd. And Litepanels, Inc.:

William D. Belanger, Esq.
PEPPER HAMILTON LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110-2736

() Via Hand Delivery
() Via Overnight Delivery
() Via First Class Mail
() Other: _____

On Behalf of Respondent FloLight, LLC, Prompter People, Inc., IKAN International Corporation and Advanced Business Computer Services, LLC (d/b/a Cool Lights USA):

William G. Shaw, Jr., Esq.
LAW OFFICE OF WILLIAM G. SHAW, JR.
1118 W. Harris Road, Suite 101
Arlington, TX 76001

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() Via Overnight Delivery
() Via First Class Mail
() Other: _____

On Behalf of Respondents Fotodiox, Inc., Yuyao Lishuai Photo-Facility Co., Ltd., Yuyao Fotodiox Photo Equipment Co., Ltd. and Yuyao Lily Collection Co., Ltd.:

Merritt R. Blakeslee, Esq.
THE BLAKESLEE LAW FIRM
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036

() Via Hand Delivery
() Via Overnight Delivery
() Via First Class Mail
() Other: _____

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond** have been served by hand upon, the Commission Investigative Attorney, **Mareesa A. Frederick, Esq.**, and the following parties as indicated on **September 18, 2012**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, DC 20436

On Behalf of Complainants Lightpanels, Ltd. and Litepanels, Inc.:

William D. Belanger, Esq.
PEPPER HAMILTON LLP
19th Floor, High Street Tower
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Boston, MA 02110

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() Other: _____

On Behalf of Respondents FloLight, LLC, Prompter People, Inc., IKAN International Corporation and Advanced Business Computer Services, LLC (d/b/a Cool Lights USA):

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() Other: _____

On Behalf of Respondents Fotodiox, Inc., Yuyao Lishuai Photo-Facility Co., Ltd., Yuyao Fotodiox Photo Equipment Co., Ltd. and Yuyao Lily Collection Co., Ltd.:

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PUBLIC CERTIFICATE OF SERVICE – PAGE TWO

RESPONDENTS:

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1500 Los Angeles Street, Suite 4
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Washington, DC 20005

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- ~~Via First Class Mail~~
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