

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before the Honorable Doris Johnson Hines  
Administrative Law Judge

In the Matter of

CERTAIN VIDEO GAME CONSOLES,  
ROUTERS AND GATEWAYS, AND  
COMPONENTS THEREOF

Inv. No. 337-TA-1445

**RESPONDENTS SONY INTERACTIVE ENTERTAINMENT INC. AND  
SONY INTERACTIVE ENTERTAINMENT LLC'S VERIFIED RESPONSE  
TO AX WIRELESS, LLC'S COMPLAINT UNDER SECTION 337 OF THE  
TARIFF ACT OF 1930, AS AMENDED, AND TO THE NOTICE OF INVESTIGATION**

**RESPONDENTS**

Sony Interactive Entertainment Inc.  
1-7-1 Konan, Minato-ku  
Tokyo, Japan 108-0075

Sony Interactive Entertainment LLC  
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## PREAMBLE

Pursuant to 19 C.F.R. § 210.13, Respondents Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC (collectively “Sony” or “Respondents”), by and through their attorneys, hereby respond (the “Response”) to the Complaint of AX Wireless, LLC (“AXW or Complainant”) Under Section 337 of the Tariff Act of 1930 as amended (the “Complaint”), filed on February 19, 2025, and to the Notice of Institution of Investigation (the “Notice”) published in the Federal Register on March 27, 2025 (90 Fed. Reg. 13879).

Sony denies that it has engaged in acts of unfair competition in violation of Section 337 by importing, selling for importation, and/or selling after importation into the United States any product that infringes, literally and/or under the doctrine of equivalents, directly, indirectly, by contribution and/or by inducement, any valid and enforceable asserted claim of U.S. Patents 10,917,272 (the “’272 patent”), 11,646,927 (the “’927 patent”), 11,777,776 (the “’776 patent”), 12,063,134 (the “’134 patent”) (collectively the “Asserted Patents”). Sony denies that the asserted claims of the Asserted Patents are valid and enforceable.

Except as specifically admitted herein, Sony denies all of the allegations of the Complaint. To the extent that any allegations of the Complaint refer to or rely upon information not previously supplied to Sony, Sony is without information sufficient to admit or deny such allegations and therefore denies the same. In responding to the Complaint and the Notice, Sony has understood the “Accused Products” to mean the products specifically identified and accused of infringement in the Complaint. Sony reserves the right to take further positions and raise additional defenses as may become apparent because of additional information discovered after filing this Response, or to the extent AXW is permitted to modify its Complaint or contentions.

## RESPONSE TO COMPLAINT

In answer to the allegations set forth in the Complaint, Sony responds as follows:

### **I. INTRODUCTION<sup>1</sup>**

1. To the extent that Paragraph 1 contains conclusions of law, no response is necessary. Sony admits that the Complaint purports to request that the United States International Trade Commission institute an investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. ¶ 1337 (“Section 337”) against Sony, Vantiva S.A., and Vantiva USA LLC (Vantiva S.A. and Vantiva USA LLC shall be referred to collectively as “Vantiva”). Sony denies that it has violated Section 337. Sony denies any remaining allegations in Paragraph 1.

2. To the extent that Paragraph 2 contains conclusions of law, no response is necessary. Sony denies that it has unlawfully or without authorization imported into the United States, sold for importation into the United States, and/or sold within the United States after importation of articles and components thereof that infringe, either literally or under the doctrine of equivalents, directly or indirectly, any claims of U.S. Patent 10,917,272, any claims of U.S. Patent 11,646,927, any claims of U.S. Patent 11,777,776, and any claims of U.S. Patent 12,063,134. Sony admits that AXW attached documents purporting to be certified copies of the Asserted Patents as Exhibits 1, 2, 3, and 4 to the Complaint. Sony denies any remaining allegations in Paragraph 2.

3. To the extent that Paragraph 3 contains conclusions of law, no response is necessary. Sony denies that it has directly and/or indirectly infringed any claims of the Asserted Patents, including those claims specifically asserted by AXW. Sony admits that the Complaint

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<sup>1</sup> Sony has adopted the headings in the Complaint for ease of reference. However, to the extent that such headings themselves contain factual and legal characterizations, Sony denies such characterizations.

identifies the following as asserted claims from the '272 Patent: 1, 11. Sony further admits that the Complaint identifies the following as asserted claims from the '927 Patent: 1, 2. Sony further admits that the Complaint identifies the following as asserted claims from the '776 Patent: 1, 2, 3, 4, 5, 6. Sony further admits that the Complaint identifies the following as asserted claims from the '134 Patent: 1, 2, 3, 4, 5, 6, 7. Sony denies any remaining allegations in Paragraph 3.

4. To the extent that Paragraph 4 contains conclusions of law, no response is necessary. Sony admits that it produces, imports, or sells after importation video game consoles compatible with certain wireless networking technology, but denies that those video game consoles use technology owned by AX Wireless. Sony denies that it produces, imports, or sells after importation routers and gateways with wireless networking technology or that use technology owned by AX Wireless. Sony denies that its activities with respect to the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of the Accused Products are unlawful under 19 U.S.C. § 1337(a)(1)(B)(i), and denies that those activities constitute infringement of one or more valid and enforceable claims of the Asserted Patents. Sony denies that a domestic industry as required by 19 U.S.C. §§ 1337(a)(2) and (3) exists in the United States relating to the articles alleged by AXW to be protected by the Asserted Patents. Sony denies any remaining allegations in Paragraph 4.

5. To the extent that Paragraph 5 contains conclusions of law, no response is necessary. Sony admits that AXW purports to seek relief from the Commission in the form of limited exclusion orders excluding from entry into the United States such video game consoles, routers and gateways that infringe the Asserted Patents, but denies that any such relief is proper as against Sony. Sony denies any remaining allegations in Paragraph 5.

6. To the extent that Paragraph 6 contains conclusions of law, no response is necessary. Sony admits that AXW purports to seek relief from the Commission in the form of cease-and-desist orders, pursuant to 19 U.S.C. § 1337(d), that would prohibit each Respondent from, *inter alia*, importing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the internet or electronic mail), or transferring video game consoles, routers, and gateways and components thereof that infringe one or more claims of the Asserted Patents, but denies that any such relief is proper as against Sony. Sony denies any remaining allegations in Paragraph 6.

## **II. THE PARTIES**

### **A. Complainant AX Wireless**

7. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 7 of the Complaint and, therefore, denies them.

### **B. Respondents**

#### **1. Sony**

8. To the extent that Paragraph 8 contains conclusions of law, no response is necessary. Sony admits that Sony Interactive Entertainment Inc. has its principal place of business and headquarters at 1-7-1 Konan, Minato-ku, Tokyo, Japan 108-0075, Tel.: +81 50-3807-5680. Sony Interactive Entertainment Inc. denies that it imports and/or sells after importation into the United States any products. Sony denies that the Sony PlayStation 5 Pro or any of Sony's products directly and/or indirectly infringe any claims of the Asserted Patents, including those claims specifically asserted by AXW. Sony denies any remaining allegations in Paragraph 8.

9. To the extent that Paragraph 9 contains conclusions of law, no response is necessary. Sony admits that Sony Interactive Entertainment LLC has its principal place of business

2207 Bridgepointe Parkway, San Mateo, CA 94404, Tel.: 650-655-8000. Sony Interactive Entertainment LLC admits that it is the importer of record of the Sony Accused Product. Sony denies any remaining allegations in Paragraph 9.

10. To the extent that Paragraph 10 contains conclusions of law, no response is necessary. Sony admits that SIE LLC imports, sells for importation, and/or sells after importation into the United States the Sony PlayStation 5 Pro. Sony denies any remaining allegations in Paragraph 10.

## **2. Vantiva**

11. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 11 of the Complaint and, therefore, denies them.

12. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 12 of the Complaint and, therefore, denies them.

13. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 13 of the Complaint and, therefore, denies them.

### **III. THE ASSERTED PATENTS, TECHNOLOGY, AND PRODUCTS AT ISSUE**

#### **A. Non-Technical Descriptions of the Asserted Patents**

##### **1. Non-Technical Description of the '272 Patent**

14. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 14 of the Complaint and, therefore, denies them.

##### **2. Non-Technical Description of the '927 Patent**

15. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 15 of the Complaint and, therefore, denies them.

### **3. Non-Technical Description of the '776 Patent**

16. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 16 of the Complaint and, therefore, denies them.

### **4. Non-Technical Description of the '134 Patent**

17. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 17 of the Complaint and, therefore, denies them.

### **B. Identification of the Patents and Ownership of the Asserted Patents**

18. To the extent that Paragraph 18 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegation that AX Wireless owns by assignment the entire right, title, and interest in the '272 patent. Sony admits that the '272 patent is entitled “Non-transitory computer-readable information storage media for variable header repetition in a wireless OFDM network.” Sony admits that the '272 patent issued on February 9, 2021. Sony admits that the '272 patent names Joon Bae Kim and Marcos C. Tzannes as inventors. Sony admits that the '272 patent issued from United States Patent Application 16/780,589, filed February 3, 2020. Sony lacks sufficient knowledge or information to admit or deny the allegation that the '272 patent expires on August 20, 2030, and on this basis denies the allegation. Sony denies any remaining allegations in Paragraph 18.

19. To the extent that Paragraph 19 contains conclusions of law, no response is necessary. Sony admits that Exhibit 5 of the Complaint is documents purporting to be certified copies of the assignments of the '272 patent. Sony admits that Appendix A of the Complaint is documents purporting to be a certified copy of the prosecution history of the '272 patent, as well as a copy of the patent. Sony denies any remaining allegations in Paragraph 19.

20. To the extent that Paragraph 20 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegation that AX Wireless owns by assignment the entire right, title, and interest in the '927 patent. Sony admits that the '927 patent is entitled "Header repetition in packed-based OFDM systems." Sony admits that the '927 patent issued on May 9, 2023. Sony admits that the '927 patent names Joon Bae Kim and Marcos C. Tzannes as inventors. Sony admits that the '927 patent issued from United States Patent Application 17/540,189, filed December 1, 2021. Sony lacks sufficient knowledge or information to admit or deny the allegation that the '927 patent expires on August 20, 2030, and on this basis denies the allegation. Sony denies any remaining allegations in Paragraph 20.

21. To the extent that Paragraph 21 contains conclusions of law, no response is necessary. Sony admits that Exhibit 6 of the Complaint is documents purporting to be certified copies of the assignments of the '927 patent. Sony admits that Appendix B of the Complaint is documents purporting to be a certified copy of the prosecution history of the '927 patent, as well as a copy of the patent. Sony denies any remaining allegations in Paragraph 21.

22. To the extent that Paragraph 22 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegation that AX Wireless owns by assignment the entire right, title, and interest in the '776 patent. Sony admits that the '776 patent is entitled "Header repetition in packed-based OFDM systems." Sony admits that the '776 patent issued on October 3, 2023. Sony admits that the '776 patent names Joon Bae Kim and Marcos C. Tzannes as inventors. Sony admits that the '927 patent issued from United States Patent Application 17/939,904, filed September 7, 2022. Sony lacks sufficient knowledge or information to admit or deny the allegation that the '776 patent expires on August 20, 2030, and on this basis denies the allegation. Sony denies any remaining allegations in Paragraph 22.

23. To the extent that Paragraph 23 contains conclusions of law, no response is necessary. Sony admits that Exhibit 7 of the Complaint is documents purporting to be certified copies of the assignments of the '776 patent. Sony admits that Appendix C of the Complaint is documents purporting to be a certified copy of the prosecution history of the '776 patent, as well as a copy of the patent. Sony denies any remaining allegations in Paragraph 23.

24. To the extent that Paragraph 24 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegation that AX Wireless owns by assignment the entire right, title, and interest in the '134 patent. Sony admits that the '134 patent is entitled "Header repetition in packed-based OFDM systems." Sony admits that the '134 patent issued on August 13, 2024. Sony admits that the '134 patent names Joon Bae Kim and Marcos C. Tzannes as inventors. Sony admits that the '134 patent issued from United States Patent Application 18/234,879, filed August 17, 2023. Sony lacks sufficient knowledge or information to admit or deny the allegation that the '134 patent expires on August 20, 2030, and on this basis denies the allegation. Sony denies any remaining allegations in Paragraph 24.

25. To the extent that Paragraph 25 contains conclusions of law, no response is necessary. Sony admits that Exhibit 8 of the Complaint is documents purporting to be certified copies of the assignments of the '134 patent. Sony admits that Appendix D of the Complaint is documents purporting to be a certified copy of the prosecution history of the '134 patent, as well as a copy of the patent. Sony denies any remaining allegations in Paragraph 25.

**C. Foreign Counterparts to the Asserted Patents**

26. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 26 of the Complaint and, therefore, denies them.

**D. Licenses Under the Asserted Patents**

27. To the extent that Paragraph 27 contains conclusions of law, no response is necessary. Sony admits that Confidential Exhibit 15C to the Complaint is a document purporting to include a list identifying the parties who may be licensed to the Asserted Patents. Sony denies any remaining allegations in Paragraph 27.

#### **IV. SPECIFIC INSTANCES OF IMPORTATION AND SALE**

##### **A. Sony**

28. To the extent that Paragraph 28 contains conclusions of law, no response is necessary. Sony admits that it has imported, sold for importation, and/or sold within the United States after importation video game consoles such as the accused Sony PlayStation 5 Pro, which the Complaint identifies as the “Sony Accused Product.” Sony denies that it has imported, sold for importation, and/or sold within the United States after importation routers, gateways, and components thereof. Sony denies any remaining allegations in Paragraph 28.

29. To the extent that Paragraph 29 contains conclusions of law, no response is necessary. Sony denies that the Sony Accused Product has been imported, sold for importation, and/or sold within the United States after importation in violation of, *inter alia*, Section 337(a)(1)(B)(i). Sony admits that the Complaint purports to provide examples of alleged importation of infringing products, but denies that Sony has unlawfully imported infringing products. Sony denies any remaining allegations in Paragraph 29.

30. To the extent that Paragraph 30 contains conclusions of law, no response is necessary. Sony admits that the Complaint attaches as Exhibits 16 and 17 what Complainant purports are images of the Sony Accused Product and its packaging that purport show that the country of origin of the Sony Accused Product was China. Sony denies any remaining allegations in Paragraph 30.

31. To the extent that Paragraph 31 contains conclusions of law, no response is necessary. Sony admits that the Complaint attaches as Exhibit 18 a document dated November 21, 2024. Sony admits that the document mentions Amazon.com and lists a shipping address in the United States. Sony admits that it maintains a PlayStation storefront on Amazon.com. Sony denies any remaining allegations in Paragraph 31.

**B. Vantiva**

32. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 32 of the Complaint and, therefore, denies them.

33. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 33 of the Complaint and, therefore, denies them.

34. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 34 of the Complaint and, therefore, denies them.

35. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 35 of the Complaint and, therefore, denies them.

**V. UNLAWFUL AND UNFAIR ACTS COMMITTED BY THE RESPONDENTS**

**A. Direct Infringement of the Asserted Patents by Sony**

36. To the extent that Paragraph 36 contains conclusions of law, no response is necessary. Sony denies the Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, any claims of the '272 patent. Sony denies that it directly infringes the claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. Sony admits that the Complaint attaches as Exhibit 24 a document purporting to contain claim charts but denies that the charts show that the Sony Accused Product and the components thereof

satisfy all limitations of any claims of the '272 patent. Sony admits that it imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product. Sony denies any remaining allegations in Paragraph 36.

37. To the extent that Paragraph 37 contains conclusions of law, no response is necessary. Sony denies that the Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, any claims of the '927 patent. Sony denies that it directly infringes the claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. Sony admits that the Complaint attaches as Exhibit 25 a document purporting to contain claim charts but denies that the charts show the Sony Accused Product and the components thereof satisfy all limitations of any claims of the '927 patent. Sony admits that it imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product. Sony denies any remaining allegations in Paragraph 37.

38. To the extent that Paragraph 38 contains conclusions of law, no response is necessary. Sony denies that the Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, any claims of the '776 patent. Sony denies that it directly infringes the claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. Sony admits that the Complaint attaches as Exhibit 26 a document purporting to contain claim charts but denies that the charts show that the Sony Accused Product and the components thereof satisfy all limitations of any claims of the '776 patent. Sony admits that it imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product. Sony denies any remaining allegations in Paragraph 38.

39. To the extent that Paragraph 39 contains conclusions of law, no response is necessary. Sony denies that the Sony Accused Product directly infringes, literally and/or under the doctrine of equivalents, any claims of the '134 patent. Sony denies that it directly infringes the claims under 35 U.S.C. § 271(a) by making, using, offering to sell, importing, selling for importation, and/or selling after importation into the United States the Sony Accused Product. Sony admits that the Complaint attaches as Exhibit 27 a document purporting to contain claim charts but denies that the charts show the Sony Accused Product and the components thereof satisfy all limitations of any claims of the '134 patent. Sony admits that it imports into the United States, sells for importation, and/or sells after importation the Sony Accused Product. Sony denies any remaining allegations in Paragraph 39.

**B. Direct Infringement of the Asserted Patents by Vantiva**

40. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 40 of the Complaint and, therefore, denies them.

41. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 41 of the Complaint and, therefore, denies them.

42. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 42 of the Complaint and, therefore, denies them.

43. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 43 of the Complaint and, therefore, denies them.

**VI. THE DOMESTIC INDUSTRY**

44. To the extent that Paragraph 44 contains conclusions of law, no response is necessary. Sony admits that a document purporting to be a copy of a license between AXW and Samsung is attached to the Complaint as Confidential Exhibit 32C. Sony lacks sufficient

knowledge or information to admit or deny the remaining allegations contained in Paragraph 44 of the Complaint and, therefore, denies them.

**A. Samsung's Practice of the Asserted Patents**

45. To the extent that Paragraph 45 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 45 and, therefore, denies them.

46. To the extent that Paragraph 45 contains conclusions of law, no response is necessary. Sony admits that documents purporting to be claim charts related to Samsung's products are attached to the Complaint as Exhibits 34 to 37. Sony lacks sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 46 of the Complaint and, therefore, denies them.

**B. Samsung's Domestic Investments Related to Articles that Practice the Asserted Patents**

47. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 47 of the Complaint and, therefore, denies them.

48. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 48 of the Complaint and, therefore, denies them.

49. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 49 of the Complaint and, therefore, denies them.

50. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 50 of the Complaint and, therefore, denies them.

51. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 51 of the Complaint and, therefore, denies them.

52. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 52 of the Complaint and, therefore, denies them.

53. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 53 of the Complaint and, therefore, denies them.

54. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 54 of the Complaint and, therefore, denies them.

55. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 55 of the Complaint and, therefore, denies them.

56. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 56 of the Complaint and, therefore, denies them.

57. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 57 of the Complaint and, therefore, denies them.

58. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 58 of the Complaint and, therefore, denies them.

59. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 59 of the Complaint and, therefore, denies them.

60. To the extent that Paragraph 60 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 60 of the Complaint and, therefore, denies them.

61. To the extent that Paragraph 61 contains conclusions of law, no response is necessary. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 61 of the Complaint and, therefore, denies them.

## **VII. RELATED LITIGATIONS**

62. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 62 of the Complaint and, therefore, denies them.

## **VIII. STATEMENT REGARDING THE ACCUSED PRODUCTS**

63. To the extent that Paragraph 63 contains conclusions of law, no response is necessary. Sony admits that the Complaint alleges that “Pursuant to 19 C.F.R. § 210.12(a)(12), Complainant identifies the category of accused products as video game consoles, routers, and gateways, and components thereof.” Sony denies any remaining allegations in Paragraph 63.

## **IX. HARMONIZED TARIFF SCHEDULE NUMBERS**

64. Sony admits that the Harmonized Tariff Schedule number for the Sony Accused Product is 9504.50.0000 (video game consoles and machines, other than those of subheading 9504.30). Sony lacks sufficient knowledge or information to admit or deny the allegations related to other articles subject to the Complaint, and on that basis denies those allegations. Sony denies any remaining allegations in Paragraph 64.

65. Sony lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 65 of the Complaint and, therefore, denies them.

## **X. RELIEF REQUESTED**

66. To the extent that Paragraph 66 contains conclusions of law, no response is necessary. To the extent that any response to Paragraph 66 is required, Sony denies that AXW has any valid cause of action pursuant to Section 337 of the Tariff Act of 1930, as amended. Sony further denies that it has violated 19 U.S.C. § 1337 and specifically denies all of AXW’s allegations of violation. Sony further denies that AXW is entitled to any relief whatsoever by way of its Complaint. Sony denies any remaining allegations of Paragraph 66.

## **RESPONDENTS' RESPONSE TO THE NOTICE OF INVESTIGATION**

Pursuant to Commission Rule 210.13(b), Sony hereby responds to the Notice of Institution of Investigation (the "Notice") issued by the Commission on March 21, 2025, and published in the Federal Register on March 27, 2025. Without admitting any of the specific or general allegations set forth in the Complaint, as referenced in the Notice, Sony provides the following response:

Sony admits that AXW filed a Complaint with the Commission on February 19, 2025 as set forth in the Notice of Investigation. Sony further admits that the Complaint alleges violations of Section 337 based on importation into the United States, the sale for importation, and the sale within the United States after importation of certain video game consoles, routers and gateways, and components thereof. Sony further admits that the Complaint alleges that an industry in the United States exists.

Sony admits that AXW requested that the Commission institute an investigation and issue a limited exclusion order and cease and desist orders.

Sony denies that there has been any violation of Section 337 by reason of the alleged infringement of any valid and enforceable asserted claim of the Asserted Patents. Sony further contends that the asserted claims of the Asserted Patents are invalid and cannot support any remedy for the alleged infringement.

Sony denies that a protectable domestic industry exists with respect to the Asserted Patents, as required by 19 U.S.C. § 1337(a)(2)–(3). Sony further denies that it is in the public interest to grant any relief to AXW in connection with this Investigation.

Sony denies that Complainant is entitled to any relief in this Investigation, including issuance of any kind of exclusion order or cease and desist order.

## **RESPONDENTS' STATEMENT UNDER 19.C.F.R. § 210.13(B)**

Pursuant to Rule 210.13(b), Sony provides the following additional information. By providing such information, Sony intends only to supply data required by 19 C.F.R. § 210.13(b). Sony specifically denies that any of the supplied data refers to any unlawful act under Section 337 or otherwise, and Sony specifically denies that it infringes any claim of the Asserted Patents based on the Accused Products specifically identified in the Complaint. Discovery has only recently begun and is ongoing. Sony reserves the right to amend or supplement the information provided below and in Exhibit A.

### **SONY'S ADDITIONAL DEFENSES**

Sony asserts the following defenses. Sony's inclusion of these additional defenses in this Response is not a concession that Sony bears the burden of proof with respect to any of them. Discovery is ongoing at the time of this Response, as Sony has not yet had sufficient time and opportunity to collect and review all information that may be relevant to the matters and issues raised herein. Pursuant to 19 U.S.C. §§ 210.14(b) and 210.14(c), therefore, Sony reserves the right to seek amendment of, modify, and/or expand these defenses and to take further positions as discovery proceeds in this Investigation.

Sony adopts and incorporates by reference any applicable defenses of other Respondents currently named or subsequently named in this Investigation.

### **FIRST ADDITIONAL DEFENSE** **(Noninfringement)**

1. Although Sony does not bear the burden of proof on this issue, Sony has not, and does not, directly infringe, indirectly infringe, induce infringement, or contribute to infringement of any valid and enforceable asserted claim of the Asserted Patents, either literally or under the

doctrine of equivalents, and has not otherwise committed any acts in violation of 35 U.S.C. § 271 or 19 U.S.C. § 1337.

2. Complainant has failed to identify its contentions with respect to what articles are accused of infringement and how the Accused Products practice each limitation of the asserted claims of the Asserted Patents.

**SECOND ADDITIONAL DEFENSE**  
**(Invalidity)**

3. On information and belief, one or more claims of the Asserted Patents are invalid for failure to comply with the requirements of 35 U.S.C. §§ 101, 102, 103, 112, 256, or any other applicable statutory provisions of Title 35 of the United States Code or judicially created doctrines of invalidity, including but not limited to obviousness-type double patenting or the Rules and Regulations of the USPTO relating thereto.

4. Sony provides an identification of prior art that supports this defense in Exhibit B to this Response. The prior art provided in Exhibit B is exemplary only and should not be construed as limiting in any way the defenses that Sony will present in this Investigation. Sony's investigation is ongoing. Further, nothing herein should be construed as an admission that Sony agrees with any of Complainant's express or implied claim constructions.

5. Depending on the scope of the asserted claims of the Asserted Patents or Complainant's contentions in connection therewith, the asserted claims of the Asserted Patents may be invalid for failure to provide an adequate written description or enabling disclosure, or for failure to disclose the best mode under 35 U.S.C. § 112, first paragraph, or for indefiniteness under 35 U.S.C. § 112, second paragraph.

**THIRD ADDITIONAL DEFENSE**  
**(Lack of Domestic Industry)**

6. Although Sony does not bear the burden of proof on this issue, on information and belief, Complainant has not adequately alleged and cannot prove the existence of a domestic industry as required under 19 U.S.C. § 1337(a)(2)–(3) in connection with the Asserted Patents. For example, on information and belief, Complainant does not maintain a presence in and does not make significant or substantial investments in labor, capital, plants, equipment, or research and development in the domestic video game console market.

**FOURTH ADDITIONAL DEFENSE**  
**(Lack of Unfair Act or Method of Competition)**

7. Although Sony does not bear the burden of proof on this issue, on information and belief, Sony has committed no unfair act or method of competition that constitutes a violation of 19 U.S.C. § 1337.

**FIFTH ADDITIONAL DEFENSE**  
**(Public Interest)**

8. Complainant's demand for relief is not in the public interest under Section 337(d)(1). Any exclusion order(s) or cease-and-desist order(s) would adversely affect the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and/or United States consumers. The public interest, therefore, precludes issuance of the requested remedial orders in accordance with 19 U.S.C. § 1337(d)(1) and (f)(1).

**SIXTH ADDITIONAL DEFENSE**  
**(Estoppel)**

9. On information and belief, and subject to further discovery, Complainant is estopped from asserting and construing any asserted claim to have been infringed by any of Sony's

products and asserting infringement by Sony's products under the doctrine of equivalents, in whole or in part, by argument-based estoppel, prosecution history estoppel, and collateral, administrative, and judicial estoppel, by virtue of the cancellations, amendments, arguments, representations, and concessions made to the Patent and Trademark Office during the pendency of the applications for the Asserted Patents and for related patents and patent applications, post-grant proceedings, pending or prior litigation, and prior investigations by the International Trade Commission.

**SEVENTH ADDITIONAL DEFENSE**  
**(Standing)**

10. Upon information and belief, and subject to the further discovery, Complainant lacks all substantial rights to the Asserted Patents and does not have standing to bring this Investigation by itself.

**EIGHTH ADDITIONAL DEFENSE**  
**(Implied Waiver, Implied License, Promissory Estoppel, and/or Patent Misuse)**

11. On information and belief, Complainant's claims are barred as a result of implied waiver, implied license, promissory estoppel, patent misuse, or other applicable equitable doctrines. Under such doctrines, Sony cannot be held liable for infringement because, to the extent any claims of the Asserted Patents are essential to any standard, Complainant is barred from pursuing injunctive relief based on any obligation to license the Asserted Patents under fair, reasonable, and non-discriminatory terms.

**NINTH ADDITIONAL DEFENSE**  
**(Ensnarement)**

12. On information and belief, and subject to further discovery, Complainant's infringement claims are barred by the doctrine of ensnarement. Complainant is foreclosed from asserting infringement under the doctrine of equivalents to the extent the scope of such equivalent would ensnare prior art.

**TENTH ADDITIONAL DEFENSE**  
**(Other Defenses)**

13. Sony further reserves the right to amend its Response to include other affirmative defenses that Sony may learn of during the course of this Investigation.

**SONY'S REQUEST FOR RELIEF**

WHEREFORE, Sony respectfully requests the following relief from the Commission:

- (1) Denying all relief requested in the Complaint;
- (2) Finding that Sony has not violated Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337;
- (3) Finding that Sony does not directly infringe any valid and enforceable asserted claim of the Asserted Patents, either literally or under the doctrine of equivalents, and has not otherwise committed any acts in violation of 35 U.S.C. § 271 or 19 U.S.C. § 1337;
- (4) Finding that the asserted claims of the Asserted Patents are invalid;
- (5) Finding that there is no domestic industry for the Asserted Patents;
- (6) Finding that Complainant's demands for relief are barred because of the relief's effect upon the 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;
- (7) Finding that Complainant's claims as they relate to the Asserted Patents are barred by reason of equitable doctrines, including equitable estoppel, acquiescence, unclean hands, prosecution laches, and/or waiver;
- (8) Awarding Sony its attorneys' fees and costs incurred in responding to the Complaint and defending this Investigation;

- (9) Dismissing the present Complaint and terminating the present Investigation;
- (10) Finding that it is not in the public interest to grant any relief to Complainant; and
- (11) Awarding such other and further relief as the Commission deems just and proper.

Dated: April 25, 2025

Respectfully submitted,

By: /s/ Adam J. Kessel  
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**COUNSEL FOR RESPONDENTS**  
**SONY INTERACTIVE ENTERTAINMENT INC. AND**  
**SONY INTERACTIVE ENTERTAINMENT LLC**

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before the Honorable Doris Johnson Hines  
Administrative Law Judge

In the Matter of

CERTAIN VIDEO GAME CONSOLES,  
ROUTERS AND GATEWAYS, AND  
COMPONENTS THEREOF

Inv. No. 337-TA-1445

VERIFICATION OF RESPONSE OF SONY INTERACTIVE ENTERTAINMENT INC.  
AND SONY INTERACTIVE ENTERTAINMENT LLC'S RESPONSE TO THE  
COMPLAINT OF COMPLAINANT AX WIRELESS, LLC UNDER SECTION 337 OF  
THE TARIFF ACT OF 1930, AS AMENDED, AND TO THE NOTICE OF  
INVESTIGATION

I, Jonelle Couture, declare as follows:

I am employed as Director, Strategic Planning, for Sony Interactive Entertainment LLC. I am authorized to make this verification on behalf of proposed Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC ("Respondents" or "Sony").

I have read Respondent's Response to the Complaint of Complainant AX Wireless, LLC under Section 337 of the Tariff Act of 1930, as Amended, and Notice of Investigation, and know its contents. I am informed and believe that the matters stated herein are true, and on that ground only, and not based upon personal knowledge of the matters stated herein, I declare under penalty of perjury that the same are true and correct.

Date: 4/24/25



Jonelle Couture  
Director, Strategic Planning  
Sony Interactive Entertainment LLC

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing document:

**RESPONDENTS SONY INTERACTIVE ENTERTAINMENT INC. AND SONY  
INTERACTIVE ENTERTAINMENT LLC'S VERIFIED RESPONSE TO AX  
WIRELESS, LLC'S COMPLAINT UNDER SECTION 337 OF THE TARIFF ACT OF  
1930, AS AMENDED, AND TO THE NOTICE OF INVESTIGATION**

have been served on this 25th day of April, 2025 on the following:

<p>The Honorable Lisa R. Barton Secretary to the Commission <b>U.S. INTERNATIONAL TRADE COMMISSION</b> 500 E Street, S.W. Washington, DC 20436</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Filing</p>
<p>The Honorable Doris Johnson Hines Administrative Law Judge <b>U.S. INTERNATIONAL TRADE COMMISSION</b> 500 E Street, SW Washington, D.C. 20436 Email: <a href="mailto:JohnsonHines1445@usitc.gov">JohnsonHines1445@usitc.gov</a></p>	<p><input type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>
<p>John Shin Investigative Attorney Office of Unfair Import Investigations <b>U.S. INTERNATIONAL TRADE COMMISSION</b> 500 E Street, S.W., Suite 401 Washington, D.C. 20436 Email: <a href="mailto:john.shin@usitc.gov">john.shin@usitc.gov</a></p>	<p><input type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>
<p>Timothy Devlin, Esq. Christopher May <b>DEVLIN LAW FIRM LLC</b> 1526 Gilpin Ave. Wilmington, DE 19806 Tel: (302) 449-9010 Email: <a href="mailto:AX-ITC-1445@devlinlawfirm.com">AX-ITC-1445@devlinlawfirm.com</a></p> <p><b>COUNSEL FOR COMPLAINANT AX WIRELESS, LLC</b></p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Electronic Mail</p>

Aarti Shah  
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**COUNSEL FOR RESPONDENTS VANTIVA S.A. AND  
VANTIVA USA, LLC**

- Via First Class Mail**
- Via Hand Delivery**
- Via Federal Express**
- Via Electronic Mail**

/s/ Ashley Cox

# **EXHIBIT A**

**REDACTED IN FULL**

# **EXHIBIT B**

**IDENTIFICATION OF EXEMPLARY PRIOR ART TO  
U.S. PATENT NO. 10,917,272**

1. U.S. Patent 6567383
2. U.S. Patent 6580713
3. U.S. Patent 6671284
4. U.S. Patent 7548561
5. U.S. Patent 7856068
6. U.S. Patent 8266488
7. U.S. Patent 8614961
8. U.S. Patent 9584262
9. U.S. Patent Publication 20030072255
10. U.S. Patent Publication 20040228269
11. U.S. Patent Publication 20050135284
12. U.S. Patent Publication 20050135318
13. U.S. Patent Publication 20050169261
14. U.S. Patent Publication 20050180315
15. U.S. Patent Publication 20050195765
16. U.S. Patent Publication 20060182017
17. U.S. Patent Publication 20080184088
18. U.S. Patent Publication 20080219229
19. U.S. Patent Publication 20090086646
20. U.S. Patent Publication 20090290563
21. U.S. Patent Publication 20100085964

22. U.S. Patent Publication 20100158046
23. U.S. Patent Publication 20100208594
24. U.S. Patent Publication 20100260137
25. U.S. Patent Publication 20100265398
26. WO2006119159A2
27. WO2007127311
28. CN1941665
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33. “IEEE 802.3: Carrier Sense Multiple Access with Collision Detection (CSMA/CD) Access Method and Physical Layer Specifications” Dec. 2008; 2977 pages.
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36. “ITU-T Recommendation G.9960 Unified high-speed wire-line based home networking transceivers - Foundation;G.9960R8”, ITU-T DRAFT; STUDY PERIOD 2009-2012; STUDY GROUP 15; SERIES G.9960R8, INTERNATIONAL

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  60. Office Action for U.S. Appl. No. 13/376,856, dated Feb. 24, 2015.
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65. Official Action (including translation) for Chinese Patent Application No. 201080037081.2, dated Dec. 4, 2013.
66. Official Action (including translation) for Chinese Patent Application No. 201080037081.2, dated Jul. 3, 2014.
67. Official Action (including translation) for Chinese Patent Application No. 201080037081.2, dated Mar. 23, 2015.
68. Official Action (Including Translation) for Chinese Patent Application No. 201610015747.3, dated Apr. 23, 2019.
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75. WWiSE Proposal: High Throughput Extension to the 802.11 Standard

**IDENTIFICATION OF EXEMPLARY PRIOR ART TO  
U.S. PATENT NO. 11,646,927**

1. U.S. Patent 6324667
2. U.S. Patent 7548561
3. U.S. Patent 7856068
4. U.S. Patent 8614961
5. U.S. Patent 9973361
6. U.S. Patent Publication 20040151109
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9. U.S. Patent Publication 20060182017
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13. U.S. Patent Publication 20090110094
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29. Syed Aon Mujtaba, “TGn Sync Complete Proposal (“2005 TGn Sync Proposal””, Document No. IEEE 802.11-04/888r9, Mar. 4, 2005, 99 pages.
30. TGn Sync Proposal Technical Specification
31. WWiSE Proposal: High Throughput Extension to the 802.11 Standard

**IDENTIFICATION OF EXEMPLARY PRIOR ART TO  
U.S. PATENT NO. 11,777,776**

1. U.S. Patent 10122563
2. U.S. Patent 1063770
3. U.S. Patent 11212146
4. U.S. Patent 6324667
5. U.S. Patent 7349436
6. U.S. Patent 7548561
7. U.S. Patent 7599332
8. U.S. Patent 7856068
9. U.S. Patent 7903755
10. U.S. Patent 8266488
11. U.S. Patent 8276054
12. U.S. Patent 8565326
13. U.S. Patent 8614961
14. U.S. Patent 8675754
15. U.S. Patent 9313067
16. U.S. Patent Publication 20030072255

17. U.S. Patent Publication 20040151109
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19. U.S. Patent Publication 20050180315
20. U.S. Patent Publication 20050243774
21. U.S. Patent Publication 20060050705
22. U.S. Patent Publication 20060182017
23. U.S. Patent Publication 20060182017
24. U.S. Patent Publication 20070115802
25. U.S. Patent Publication 20080170531
26. U.S. Patent Publication 20080212696
27. U.S. Patent Publication 20080240014
28. U.S. Patent Publication 20090110094
29. U.S. Patent Publication 20090276671
30. U.S. Patent Publication 20100054223
31. U.S. Patent Publication 20100158046
32. U.S. Patent Publication 20100260159
33. U.S. Patent Publication 20100329366
34. WO2006119159A2
35. IEEE 802.11-04/1002r0
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37. “ITU-T Recommendation G.9960—Draft generation home Networking transceivers (the “G.9960 Draft”)”, Telecommunication Standardization Sector of the International Telecommunication Union (ITU), Aug. 17, 2009, 106 pages.

38. Aon Mujtaba, et al., “TGn Sync Proposal (“TGnSync 2004”)", Document No. IEEE 802.11-04/888r0, Aug. 13, 2004, 56 pages.
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42. Jan Boer, et al., “40/20 MHz Interoperability for Robust, High Performance and Compatible 802.11n Systems (“40/2C MHz Interoperability for 802.11n Systems”)", Document No. IEEE 802.11-04/0772r0, Jul. 2004, 7 pages.
43. Richard Van Nee, et al., “The 802.11n MIMO-OFDM Standard for Wireless LAN and Beyond”, Wireless Personal Communications vol. 37, Jun. 2, 2006, pp. 445-453, 9 pages.
44. Sean Coffey, et al., “IEEE P802.11 Wireless LANs Joint Proposal: High throughput extension to the 802.11 Standard: PHY (“2006 802.11n Joint PHY Proposal”)", Document No. IEEE 802.11-05/1102r4, Jan. 13, 2006, 82 pages.
45. Syed Aon Mujtaba, “IEEE 802.11 Wireless LANs TGn Sync Proposal Technical Specification (“2005 802.11n TGn Sync Specification”)", Document No. IEEE 802.11-04/0889r6, May 18, 2005, 131 pages.
46. Syed Aon Mujtaba, “PHY Updates to TGn Sync Proposal (“2005 TGn Sync PHY Updates”)", Document No. IEEE 802.11-05/418r0, May 16, 2005, 18 pages.

47. Syed Aon Mujtaba, “TGn Sync Complete Proposal (“2005 TGn Sync Proposal”)", Document No. IEEE 802.11-04/888r9, Mar. 4, 2005, 99 pages.
48. TGn Sync Proposal Technical Specification
49. WWiSE Proposal: High Throughput Extension to the 802.11 Standard

**IDENTIFICATION OF EXEMPLARY PRIOR ART TO  
U.S. PATENT NO. 12,063,134**

1. U.S. Patent 10122563
2. U.S. Patent 10637706
3. U.S. Patent 7548561B2
4. U.S. Patent 7856068B1
5. U.S. Patent 8266488
6. U.S. Patent 8614961
7. U.S. Patent Publication 20030072255
8. U.S. Patent Publication 20050180315
9. U.S. Patent Publication 20050243774
10. U.S. Patent Publication 20060182017
11. U.S. Patent Publication 20060182017
12. U.S. Patent Publication 20070115802
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14. U.S. Patent Publication 20100260159
15. U.S. Patent Publication 20100329366
16. WO2006119159A2
17. IEEE 802.11-04/1002r0

18. IEEE documents related to the 802.11 standards-setting process and prior versions of the IEEE 802.11 standard, including drafts thereof
19. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 10,079,707, IPR2023-01136, Jun. 30, 2023, 90pages.
20. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 10,291,449, IPR2023-01137, Jun. 30, 2023, 97pages.
21. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 10,554,459 IPR2023-01138, Jun. 30, 2023, 92pages.
22. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 10,917,272 IPR2023-01139, Jun. 30, 2023, 93pages.
23. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 10,917,272 IPR2023-01140, Jun. 30, 2023, 90pages.
24. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 11,212,146 IPR2023-01146, Jul. 7, 2023, 91pages.
25. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 9,584,262 IPR2023-01143, Jun. 30, 2023, 107pages.
26. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 9,614,566 IPR2023-01144, Jul. 3, 2023, 105pages.
27. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Pat. No. 9,973,361, IPR2023-01135, Jun. 30, 2023, 93pages.
28. Intel Corporation, Petitioner v. AX Wireless, Patent Owner, Petition for Inter Partes Review of U.S. Patent 11,212, 146 IPR2023-01145, Jul. 7, 2023, 80pages.
29. TGn Sync Proposal Technical Specification

30. WWiSE Proposal: High Throughput Extension to the 802.11 Standard