UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C. 20436

In the Matter of: Certain Two-Way Global Satellite Communication Devices, System and Components Thereof.	Investigation No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

Complainant:

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I. INTRODUCTION

1. BriarTek IP, Inc. request that the United States International Trade Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337"), to remedy the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation by the owner, importer, consignee (or any agent of the owner, importer or consignee), of Certain Two-Way Global Satellite Communication Devices, System and Components Thereof that infringe a valid and enforceable United States Patent owned by BriarTek IP. The constituent components of the requested investigation include satellite communication devices ("SCD") with two-way communication, software that operates on smartphones for use with said SCD and the monitoring system for the two-may communications.

2. On information and belief, the respondents, Delorme Publishing Company, Inc., Delorme InReach LLC, and Yellowbrick Tracking Ltd. (collectively "Respondents") have engaged in violations of Section 337 through the unlicensed importation into the United States, the sale for importation, and/or the sale within the United States after importation of accused products that infringe claims 1, 2, 5, 10, 11, 12 and 34 of United States Patent No. 7,991,380 ("'380 Patent").

3. A certified copy of the '380 Patent is shown in Exhibit 1.

4. A certified copy of the file history for the '380 Patent, with references cited therein, is attached as Appendix A.

5. Mr. Charles K. Collins and Mr. Joseph Landa, both of Alexandria Virginia, are the named inventor of the '380 Patent and are principles in BriarTek IP and its affiliate BriarTek, Inc. Mr. Collins and Mr. Landa have assigned all rights, title and interest in the '380 Patent to

BriarTek IP. A certified copy of the recorded assignment accompanies this Complaint as Exhibit 2.

6. As required by Section 337(a)(2) and defined in Section 337(a)(3), an industry in the United States exists relating to BriarTek's licensed product, which practices the '380 Patent, including but not limited to the BriarTek, Inc. Cerberus Global Communication System that was developed in the United States and is currently manufactured in the United States. BriarTek, Inc. is the licensee of BriarTek IP. In addition, an industry in the United States is currently being established by BriarTek IP and its licensee BriarTek, Inc. in the '380 Patent and related technology through the continued investment in plant and equipment, employment of labor or capital, manufacturing and research and development, sales and marketing of the technology.

7. Complainant seeks:

(i) a limited exclusion order, pursuant to Section 337(d), permanently excluding the Accused Products, including SCDs, from entry into the United States; and

(ii) a permanent cease and desist order, pursuant to Section 337(f), directing respondents to cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, or using Accused Products that infringe the '380 Patent.

II. COMPLAINANT

8. BriarTek IP, Inc. is a Virginia Company located at 3129 Mount Vernon Avenue, Alexandria, Virginia, 22305. BriarTek IP has been located inside of the United States its entire existence. BriarTek IP was formed in November 2004 for the purposes of holding intellectual property related assets used in the co-owned entity BriarTek, Inc. BriarTek IP is owned by Charles K. Collins, Joseph Landa and William Dull.

9. Mr. Collins is one of the named inventors on the ‘380 Patent. Mr. Collins is an individual U.S. citizen residing in the Commonwealth of Virginia. Mr. Collins served in the U.S. Navy for six years as a surface warfare instructor, where he provided formal instruction on marine engineering, propulsion plant operation, and acoustic signal recognition for anti-submarine warfare. Mr. Collins co-founded BriarTek, Inc. and currently acts as its Director of Operations. He has over 20 years of experience designing and developing hardware systems for both military and non-military uses. He is a member of the Radio Technical Commission for Maritime Services, and holds several patents relating to safety equipment and signal transmission.

10. Mr. Landa is also one of the named inventors of the ‘380 Patent. Mr. Landa is an individual U.S. citizen residing in the Commonwealth of Virginia. He served as a U.S. Army Officer for 4 years and was the executive officer responsible for a large combat engineer company during Operation Desert Shield/Storm. Mr. Landa has over 20 years experience in research and product development, specifically in the field of safety equipment and technology. He is the inventor of the Man Overboard Indicator, an alarm capable of alerting a ship when an individual has fallen off, even if the apparatus is fully submerged. Mr. Landa holds several patents relating to safety equipment and signal transmission, has served as conference and session chairperson for technical conferences on hardware design, and played an integral role in the development of numerous standards for safety and search and rescue equipment. Mr. Landa received his Bachelor of Science in Physics with honors from Clark University, and his Master of Science in Physics from The American University.

11. BriarTek, Inc. is also a Virginia Company located at the same 3129 Mount Vernon Avenue, Alexandria, Virginia 22305. BriarTek, Inc., since inception, has been located

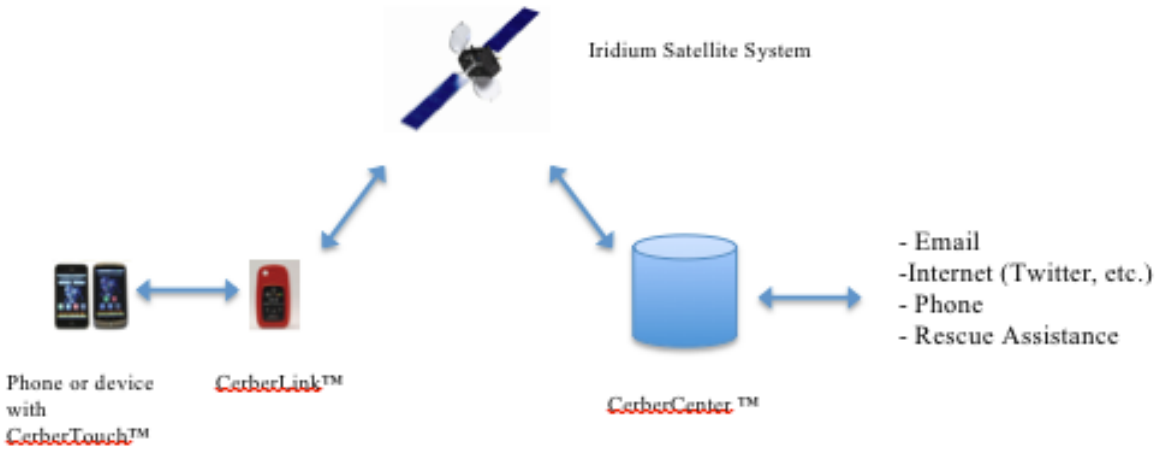
inside of the United States. BriarTek, Inc. is also owned by Charles K. Collins, Joseph Landa and William Dull. BriarTek, Inc. is the licensee of the '380 Patent. The design and manufacturing of the majority of BriarTek, Inc. products is, and always has been, performed in the United States.

12. BriarTek, Inc. has been building search and rescue systems since 1998, including the ORCA® man overboard indicator (MOBI) currently in use by the U.S. Army and U.S. Navy. The ORCA® system is the most widely used system of it's kind worldwide and was selected as the sole source by the Navy for it's fleet wide MOBI program. The system is currently installed on all surface platforms in the U.S. Navy and has recently been installed on U.S. Army Large Tugs and LSV ships.

13. BriarTek, Inc. also designed and manufactures the Cerberus Global Communication System at its facility in Virginia. The Cerberus Global Communication System includes the CerberLink™ device, the CerberTouch™ application and the CerberCenter™.

14. The CerberLink™ is a small, ruggedized, two-way SCD that easily fits to a backpack or belt. The CerberLink™ device is enabled with Bluetooth to allow it to pair with a smartphone. A picture of a CerberLink™ and the CerberTouch™ software is shown below:

15. The Cerberlink™ works as part of the Cerberus system which consists of three parts: (A) CerberLink™; (B) CerberTouch™; and (C) CerberCenter™. The CerberCenter™ is a server that tracks users based on breadcrumbs, tracks and messages. CerberCenter™ is also where users manage their account data and contact information. A depiction of the system is shown below.



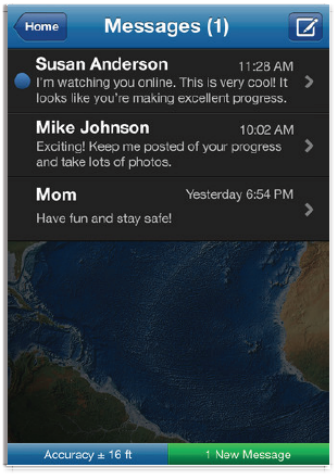
III. PROPOSED RESPONDENTS

A. Delorme Respondents

16. On information and belief, proposed respondent Delorme Publishing Company, Inc. is a privately held business located with its principle place of business at 2 Delorme Drive Yarmouth, Maine 04096.

17. On information and belief, proposed respondent Delorme InReach, LLC is a privately held business located with its principle place of business at 2 Delorme Drive Yarmouth, Maine 04096.

18. On information and belief, Delorme Publishing Company, Inc. and Delorme InReach, Inc. ("collectively Delorme Respondents") are importing, selling for importation to the United States, selling after importation in the United States products that directly and/or indirectly infringe the '380 Patent. This includes the InReach™ (models 1.5) made in Taiwan. The InReach™ is a two-way SCD that is compatible with Apple IOS and Android smartphones. On information and belief, the Delorme Respondents also provide the Earthmate (version 1.1) software for use on Apple and Android Smartphones to be used in conjunction with the InReach™. On information and belief, to use the InReach™, Delorme also requires a service plan. A picture of the InReach™ and Earthmate software is shown below:



19. On information and belief, Delorme sells the InReach™ in the United States through distributors and sales agents located throughout the United States, including REI, LL Bean, Sports Chalet, Eastern Mountain Sports, Gander MTN™, Amazon.com, The GPSStore.com, Bass pro Shops, Cabellas, J&R, Mountain Gear and West Marine. On information and belief, Delorme distributes the Earthmate software in the United States through iTunes™.

B. Yellowbrick Respondent

20. On information and belief, respondent Yellowbrick Tracking Ltd. ("Yellowbrick") is a privately held business located with its principle place of business at The Heli-Pad, Little Basset's farm, Magpie Lane, Brentwood, Essex, UK, CM13EA.

21. On information and belief, Yellowbrick is importing, selling for importation to the United States, selling after importation in the United States the products that directly and/or indirectly infringe the '380 Patent. The Yellowbrick 3 is a two-way SCD that is compatible with Apple IOS smartphones and tablets. Yellowbrick also provides the Yellowbrick Messenger (version 1.4) software for use on Apple smartphone or tablet to be used in conjunction with the Yellowbrick 3. Yellowbrick also requires a service plan for use of the Yellowbrick 3. A picture of the Yellowbrick and Yellowbrick Messenger software is shown below:

IV. OVERVIEW OF THE SATELLITE COMMUNICATION DEVICE INDUSTRY

22. Personal Locator Beacons (PLBs) based on the Cospas-Sarsat satellite network serve as the primary option for emergency beacon communication. PLBs run off of a network that was created in 1982 to serve aircraft and naval vessels in trouble. In 2003, PLB's were legalized for use in terrestrial environments in the United States. However, most traditional

Emergency Position Indicating Radio Beacon (EPIRB) manufacturers simply registered their maritime beacons as PLBs while making few necessary and meaningful changes. PLBs were introduced to meet the need of an emergency locator beacon for individuals traveling and working in remote areas without access to traditional communication networks.

23. Hikers, skiers, campers and other outdoor enthusiast turned to PLBs as a way to transmit emergency messages if they were in danger. However, restrictions were placed on the conditions in which it was considered acceptable to activate a PLB. The PLBs are directed to be activated as a last resort and when all other possibilities for self-help have been exhausted. There must be a threat of imminent loss of life, serious injury or property damage requiring assistance to justify usage and search and rescue (SAR) response. To enforce that, misuse of a PLB is considered a federal offense in the United States and subject to a hefty fine. These tight restrictions lead to scenarios where users are unable to receive simple information that could possibly prevent an emergency situation. For example, a hiker receiving an updated weather report could prevent him from entering a life-threatening storm that would require PLB activation.

24. Another drawback of the PLB system is their high false alarm rates. In 2006 there were approximately 500,000 406 MHz Cospas-Sarsat beacons in circulation. From 2000-2006, over 95% of Cospas-Sarsat beacon activations were deemed to be false alarms. Standard procedure for reporting a false alarm involves placing a phone call to the local SAR authority to report the incident. However, EPIRB and PLB beacons are designed to be operated in environments where traditional communication infrastructure is unavailable, making false alarm reporting virtually impossible. Of the false alarms reported on the Cospas-Sarsat network during

that period, only 70% of those were able to be canceled via a phone call. That left 30% to be resolved by the local SAR authorities that cost not only time, but money.

25. The Cospas-Sarsat network and PLBs are not the only option for individuals in need of an emergency locator beacon. Recently, the SPOT Satellite Messenger was released based on the Globalstar Satellite Network. Similar to the PLB, SPOT transmits a one-way emergency message routed to a local SAR Authority that includes a GPS location of the beacon. However, opposed to the Cospas-Sarsat network, Globalstar does not provide global coverage. SPOT users are mostly restricted to North America, Europe, Australia and Eastern Asia, and will not have coverage in parts of South America, Central Asia, most of Africa, the poles and the majority of the oceans. This restriction forces users to verify coverage before departing on a trip to ensure SPOT will function upon arrival. In addition, SPOT suffers from the same false alarm reporting problem as the PLBs by requiring the user to notify a central authority via phone.

26. The SPOT Messenger does improve upon the Cospas-Sarsat network by introducing a nonemergency beacon tracking component to the product. Periodic updates can be transmitted along with current GPS coordinates to a central server and displayed via a mapping interface. Additionally, an “I'm OK” message can be automatically forwarded to a pre-set list of email addresses. However, there exists no ability to change this message or the recipients while deployed in the remote environment. Furthermore, there exists no ability to send such messages to other beacons deployed in the field. While SPOT offers a few advantages over the Cospas-Sarsat network, it still falls well short of fulfilling the need of a global bidirectional search and rescue beacon

27. The final option currently available to individuals looking for a way to transmit emergency messages in remote environments is to use a satellite phone. Depending on the

network on which they operate, satellite phones can offer global network coverage and bidirectional communication. This combination seems to make satellite phones a sensible choice for use as an emergency device, provided the user remembers to write down the phone number of the local SAR authority prior to departing on their trip. However, satellite phones contain just as many drawbacks as the PLBs and SPOT messenger. First and foremost, satellite phones are expensive. The hardware alone costs well over $1,000 and that does not include monthly charges or the per-minute price associated with placing calls. Additionally, satellite phones require a much longer connection with the satellite to complete a two-way conversation. PLBs and SPOT permit the user to initiate a transmission and immediately return to the act of surviving the current emergency situation. Lastly, there is no ability to connect an external alerting device, such as a sensor, to automatically transmit a message in the time of an emergency.

28. A two-way global satellite communication device, SCD, as used herein, is a bidirectional communication device used for routine communications, tracking, emergency and alerting functions for individuals anywhere in the world. The system is intended to help track "at risk" individuals and interact with a wide variety of information sources, thus improving response time to emergencies and, in turn, the individual's chances of survival. The system is also used by individuals in remote areas to keep in touch. The system can also be integrated into local monitoring systems, sensors and line of sight communications to provide additional monitoring and safety capabilities

29. BriarTek identified the Iridium Short Burst Data ("SBD") Satellite Network as an optimal carrier for the SCD. The Iridium SBD network provides the advantage of a bidirectional data link coupled with complete global network coverage. Individuals and SAR authorities can

transmit several lines of data with sufficient bandwidth including about 300 bytes per message. Additionally, the small message size requires a very short window to connect and transmit with the satellite network, allowing the user more flexibility from where they can initiate and receive messages. Unlike satellite phones, a user would only need a few moments to transmit an emergency message before returning to the task of surviving the emergency condition. Messages transmitted to the beacon would be stored for viewing at a time that is convenient for the end user. The Iridium Satellite Network permits the SCD to operate in any geographic position with a clear view of the sky, even the poles. The constellation's 66 low-earth orbit satellites guarantee a reliable and secure link while minimizing latency in areas where traditional communication links are unavailable. Iridium's SBD Network takes advantage of a constellation designed to minimize latency and maximize network availability for satellite phones. The lower operating requirements of the SBD network virtually eliminate latency on an already robust satellite network.

30. An advantage of the SCD is the bidirectional capability, which allows a user to send and receive custom messages to a local SAR Authority, standard email addresses or even other SCDs. Furthermore, SCD can transmit non-emergency messages to and from standard email addresses so users can remain in contact with co-workers, family and friends while located in an area out of range of other standard communication networks.

31. BriarTek's SCD is designed to operate in three primary modes of operation: trigger, tracking and "dead man's" modes, with users capable of switching between modes while deployed in a remote environment. In trigger mode, the SCD only operates under direct command from the end user. The user manually initiates sessions with the satellite network, needed to send or receive data transmissions. This mode is used most to maximize battery

efficiency for extended periods of time in remote areas. Conversely, tracking mode automatically initiates sessions with the satellite network to transmit location information, including GPS coordinates, at defined intervals to the SCD Server. These coordinates are used by the server for several functions including displaying location history through a visual interface. In "dead man's" mode, an external sensor is used to automatically trigger an emergency message if a defined threshold is reached. For example, a health monitoring sensor, such as a pulse oximeter, heart rate monitor or man-down sensor could be used to detect biological changes that would coincide with an emergency condition leaving the end user without the ability to manually activate the SCD under their own power.

32. Ultimately, prevention is the best deterrent to costly SAR operations and SCDs will help individuals from placing themselves in situations that would require rescue. Local SCD servers will monitor and collect information from authorized sources through the Internet based on the location of a beacon. Users can configure the type and frequency of information to be regularly distributed to the beacon. Weather updates, news updates and notices from government agencies such as the State Department can be transmitted to a beacon updating the user on their current situation. Such information could be used to prevent the individual from placing themselves in a situation that would require an emergency response. For example, a hiker could be updated on incoming severe weather or remotely deployed government personnel could be updated on civil unrest in a nearby area.

V. The '380 Patent

A. Identification of the Patent and Ownership by BriarTek IP

33. The '380 Patent is entitled "Global Bidirectional Locator Beacon and Emergency Communication System." The '380 Patent issued from U.S. Application No. 11/693,4346,

which was filed on March 29, 2007. Exhibit 1. The '380 Patent claims priority to U.S. Provisional Application No. 60/788,411 filed on March 30, 2006. Exhibit 3.

34. Mr. Charles K. Collins and Mr. Joseph Landa are the named inventor of the '380 Patent. All rights, title and interest in the '380 Patent were assigned to BriarTek IP. A certified copy of the assignment can be found at Exhibit 2. The '380 Patent is valid, enforceable, and currently is in full force and effect.

35. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by Appendix A which contains: Four copies of the file history of the '380 Patent, and four copies of each patent and applicable pages of each technical reference mentioned in that prosecution history.

B. Description of the Patented Invention[1]

36. The '380 Patent is directed to a monitoring and reporting system comprised of a user unit and a monitoring system. This allows for both the transmission and reception of data between the user and a monitoring system through a satellite infrastructure. This data, transferrable as short text messages, may include the nature of an emergency, the type of assistance required, or early warnings about impending dangers such as inclement weather.

37. An object of the '380 Patent is to "save lives and greatly reduce false alarms and unneeded search and rescue operations" by providing a "bidirectional communications tool that is capable of sending and receiving short text messages ... that can be remotely monitored[.]" '380 Patent at 1:33-36.

[1] The content of this Complaint, including this section (i.e, "Description of the Patented Invention"), does not, and is not intended to, construe either the specification or claims of the '380 Patent).

38. The user unit is comprised of an input device, a user satellite communication system, and a user processor communicatively coupled to the input device and the user satellite communication system. The input device includes a text entry device such as a keyboard or touch screen, though it may be adapted to receive voice input from a user. The user unit may be adapted to be coupled to or worn by a user through the use of a strap, a clip, a hook-and-loop fastener, or any other known removable fastening implement.

39. The monitoring system includes a monitoring satellite communication system, an output device, and a monitoring processor communicatively coupled to the monitoring satellite communication system and the output device. The monitoring system can be adapted to receive information from an information source, via the satellite network, or some other channel such as news information or weather advisories. The monitoring system can also include database memory, which can store information such as news information, weather information, and rescue information. The monitoring system can also include a server, such as a data-mining server, which can be adapted to search and collect travel-related information, via the Internet or over some other channel.

40. The input device receives user data from a user and the processor formats the data for transmission by the satellite communication system transmitter. The monitor processor formats the user data received by the receiver of the monitor satellite communication system, for presentation to the observer at the output device. The monitoring system can also include a relay transmitter so that messages from the user can be relayed directly to response personnel.

41. Claim 1 of the ‘380 Patent provides:

> An emergency monitoring and reporting system, comprising:
>
> a user unit; and

a monitoring system;

wherein the user unit includes an input device, a user satellite communication system, and a user processor communicatively coupled to the input device and the user satellite communication system;

wherein the monitoring system includes a monitoring satellite communication system, an output device, and a monitoring processor communicatively coupled to the monitoring satellite communication system and the output device;

wherein the user satellite communication system and the monitoring satellite communication system are adapted for mutual communication via a satellite network such that the output device can present information to an observer, wherein the information corresponds to information entered at the input device; and

wherein the input device includes a text entry device adapted to receive textual data entered by a user.

VI. FOREIGN COUNTERPARTS TO THE '380 PATENT

42. There are no foreign patents, no foreign patent applications (not already issued as patents) and no foreign patent applications that have been denied, abandoned or withdrawn corresponding to the '380 Patents.

VII. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

A. Proposed Delorme Respondents

43. On information and belief, proposed Delorme respondents' accused InReach™ , Earthmate and monitoring directly (35 U.S.C. §271(a)) infringe at least the following independent and dependent claims of the '380 Patent: claims 1, 2, 5, 10, 11, 12 and 34. On information and belief, the accused InReach™ indirectly infringes through Delorme's and/or the end user's combination of an InReach™ with a smartphone enabled with Earthmate (35 U.S.C. §271(b) and (f)(1)) at least the following independent and dependent claims of the '380 Patent: claims 1, 2, 5, 10, 11, 12 and 34. Discovery may reveal that proposed respondents infringe

additional claims of the asserted patents. A representative claim chart applying independent claim 1 is attached as Exhibit 4.

44. The proposed Delorme Respondents' use, sale, offer for sale, importation, sale for importation and sale after importation of the accused InReach™ directly and indirectly infringes at least the foregoing claims of the '380 Patent.

45. The proposed Delorme Respondents have notice of the '380 Patent based on the fact that it is marked on the CerberLink™. Exhibit 5. In addition, the proposed Delorme Respondents will be given notice of their direct and indirect infringement of the '380 Patent by at least the service and filing of this Complaint as well as by receipt of a copy of the public filing of the Complaint which will be send by overnight courier.

46. On information and belief, the accused InReach™ are manufactured in Taiwan by or for the Delorme Respondents and are imported into the United States, sold for importation, sold within the United States after importation by the proposed Delorme Respondents. Exhibit 6 is product packaging for the InReach™ Model 1.5, which shows that the product was made in Taiwan. Exhibit 7 is the side of the InReach™ Model 1.5 that also identifies the product as being made in Taiwan. Exhibit 8 is a receipt for the InReach™ showing that the product was purchased in the United States from REI in Virginia.

47. Discovery may reveal additional Delorme products that infringe the '380 Patent or additional products of the infringing system that are imported by the Delorme Respondents.

B. Proposed Yellowbrick Respondents

48. On information and belief, the proposed Yellowbrick Respondent's accused Yellowbrick 3, Yellowbrick Messenger and monitoring directly (35 U.S.C. §271(a)) infringe at least the following independent and dependent claims of the '380 Patent: claims 1, 2, 5, 10, 11,

12 and 34. On information and belief, the accused Yellowbrick 3 indirectly infringes through Yellowbrick's and/or the end user's combination of a Yellowbrick 3 with a smartphone enabled with Yellowbrick Messenger (35 U.S.C. §271(b) and (f)(1)) at least the following independent and dependent claims of the '380 Patent: claims 1, 2, 5, 10, 11, 12 and 34. Discovery may reveal that proposed respondents infringe additional claims of the asserted patents. A representative claim chart applying independent claim 1 is attached as Exhibit 17.

49. The proposed Yellowbrick Respondent's use, sale, offer for sale and/or importation of the accused Yellowbrick 3, Yellowbrick Messenger software and/or monitoring directly and indirectly infringes at least the foregoing claims of the '380 Patent.

50. The proposed Yellowbrick Respondent has notice of the '380 Patent based on the fact that it is marked on the CerberLink™. Exhibit 5. In addition, the proposed Yellowbrick Respondent will be given notice of their direct and indirect infringement of the '380 Patent by at least the service and filing of this Complaint as well as by receipt of a copy of the public filing of the Complaint which will be send by overnight courier.

51. On information and belief, the accused Yellowbrick 3 are manufactured outside of the United States, likely in the United Kingdom by, or for, the proposed Yellowbrick Respondent and are imported into the United States, sold for importation, sold within the United States after importation by the proposed Yellowbrick Respondent. Exhibit 18 is product packaging for the Yellowbrick 3. Exhibit 19 is a receipt for the Yellowbrick 3 showing that the product was purchased in the United States and was shipped from the United Kingdom by Yellowbrick.

52. Discovery may reveal additional Yellowbrick products that infringe the '380 Patent or additional products of the infringing system that are imported by the Yellowbrick Respondent.

VIII. TARIFF CODE CLASSIFICATION

53. On information and belief, the accused products when imported into the United States are classified under tariff code 8517.69.00 with the following suffix 00.

IX. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

A. Delorme Respondents

54. The Delorme InReach™ Packaging is shown in Exhibit 9. The Delorme InReach™ Model 1.5 contained in that packaging is shown in Exhibit 10. On information and belief, the Delorme Respondent advertises the product for sale on their web site at: http://www.inreachdelorme.com/product-info/inreach-smartphone.php
The contents of which are shown in Exhibit 11.

55. As shown in Exhibit 12, the Delorme InReach™ is advertised as a two-way communication device operating on the Iridium satellite system with global coverage. Use of the device requires a subscription plan that the user must enter into with the Delorme Respondents as set forth in Exhibit 13. The need for a subscription plan is also noted on a warning note contained within the product packaging as set forth in Exhibit 14.

56. The English Language section of the InReach™ User Manual is set forth in Exhibit 15. As provided therein, "[w]hen you pair your InReach™ with the Earthmate app. You can use your compatible smartphone to send and receive messages when you are out of cell phone range – whether you just want to share your trip, check in with loved ones, or send an SOS in an emergency." The service requires the Earthmate application and a Bluetooth™ enabled smartphone. The Earthmate application is available at iTunes® as shown in Exhibit 16.

57. On information and belief, accused Delorme InReach™ is manufactured abroad, including in Taiwan. See Exhibits 6 and 7. On information and belief, the Delorme

Respondents import the InReach™ into the United States for sale, sell those accused products for importation, and/or sell those accused products after importation. *See, e.g.*, Exhibits 6, 7 and 9.

58. Exhibit 6 shows the product packaging for the InReach™ and Exhibit 7 the device itself, which states that the product is made in Taiwan.

59. Exhibit 8 shows the receipt for the purchase of the InReach™ in the United States, demonstrating that the InReach™ was imported and sold after importation in the United States.

60. An InReach™ device is set forth in Physical Exhibit PE-2.

B. Yellowbrick Respondent

61. The Yellowbrick 3 packaging is shown in Exhibit 18. The Yellowbrick 3 Model contained in that packaging is shown in Exhibit 20. On information and belief, the Yellowbrick Respondent advertise the produce for sale on their web site at: http://www.yellowbrick-tracking.com/?page_id=1069

62. As shown in Exhibit 21, the Yellowbrick 3 datasheet states the device is a two-way communication device operating on the Iridium satellite system with global coverage. Use of the device requires a subscription plan that the user must enter into with the Yellowbrick as set forth in Exhibit 22.

63. When the Yellowbrick 3 is activated and paired to an Apple Iphone the device searches for the requisite Yellowbrick software and directs the user to the iTunes® store to download the software. Exhibit 23. The Yellowbrick Messenger application is available at iTunes® as shown in Exhibit 24.

64. On information and belief, accused Yellowbrick 3 is manufactured abroad. See Exhibit 18. On information and belief, the proposed Yellowbrick Respondent exports the

Yellowbrick 3 into the United States for sale, sell those accused products for importation, and/or sell those accused products after importation. *See, e.g.*, Exhibits 18 and 19.

65. A Yellowbrick 3 is set forth in Physical Exhibit PE-3.

X. LICENSE

66. There is a license to the '380 Patent between BriarTek IP and BriarTek, Inc. See Confidential Exhibit 25C.

XI. DOMESTIC INDUSTRY

67. A domestic industry, as defined by 19 U.S.C. § 1337(a)(3)(A), (B) and (C), exists with respect to the Complainant's activities, including its Licensee's (BriarTek, Inc.) activities, in the United States related to articles protected by the '380 Patent by reasons of: (a) significant investment in plant and equipment, including that used for R&D, design, development and manufacturing; (b) significant employment of labor and capital, including that used for R&D, design, development and manufacturing; and (c) substantial investment in the exploitation of the '380 Patent, such as substantial engineering activities, patent procurement, R&D, consultation, manufacturing, product sales, sales support, and operations. In addition, a domestic industry, as defined by 19 U.S.C. § 1337(a)(3)(A), (B) and (C), is currently being established with respect to the Complainant's activities, including its Licensee's (BriarTek, Inc.) activities, in the United States related to the '380 Patent by reasons of (a) significant investment in plant and equipment, including that used for R&D, design, development and manufacturing; (b) significant employment of labor and capital, including that used for R&D, design, development and manufacturing; and (c) substantial investment in the exploitation of the '380 Patent, such as substantial engineering activities, patent procurement, R&D, consultation, manufacturing, product sales, sales support, and operations.

68. BriarTek, Inc. designs and manufactures safety products for a variety of industrial and government markets. Cerberus is the trade name of a Satellite Communication Device (SCD) manufactured by BriarTek in its facility in Alexandria, Virginia. The Cerberus system consists of three parts: (A) CerberLink™ – A handheld satellite communications device with onboard GPS and Bluetooth interface. The CerberLink™ operates on the Iridium satellite network; (B) CerberTouch™ – A smartphone application that allows the user to input settings and send and receive messages via satellite, cellular or wifi connections; and (C) CerberCenter™ – A server that tracks users based on breadcrumbs, tracks and messages. CerberCenter™ is also where users manage their account data and contact information.

69. Cerberus is a complete end-to-end system; BriarTek, Inc. manufactures all hardware and assembles the end-to-end system in the United States. The smartphone application and server software are distributed for free and the application interface document is publicly available making this a truly open flexible system.

70. Cerberus has been designed to reduce the overall cost of ownership and use. The CerberTouch™ application allows the user to seamlessly switch between satellite communications and low cost cellular or Internet communications and tracking greatly reducing the use of satellite bandwidth. CerberLink™ hardware allows multiple users to send and receive data using a single device.

71. At the heart of the Cerberus system is the CerberLink™, a ruggedized two-way SCD that connects up to four user's smartphones to the Iridium satellite network. The CerberLink™ was designed and developed in the Arlington Virginia facility. A picture of which is shown below.

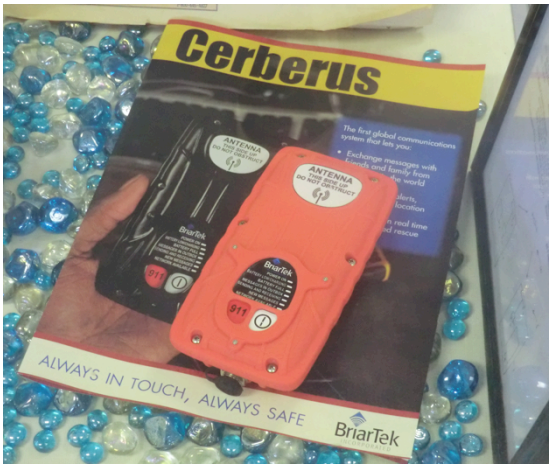
72. The CerberLink™ is based on the Iridium 9602 modem and has an onboard GPS for accurate tracking and position reporting. The CerberLink™ uses a 2000mAh lithium polymer rechargeable battery. This battery keeps the CerberLink™ ready for up to 1 month without recharging. CerberLink™ can send up to 1000 messages on a single charge and can be recharged by any standard USB charging device including disposable batteries, solar chargers, computer USB ports, and hand crank chargers. The battery can be serviced and replaced by the user if necessary. The CerberLink™ easily attaches to a user's pack, belt or vehicle and can be maintained in a position that optimizes the antenna performance.

73. The CerberLink™ (Model C1) datasheet is attached as Exhibit 26.

74. The CerberLink™ controls have been designed to make life easier on the user. Clearly marked buttons give the user the ability to check signal strength, send and receive messages that are pre loaded onto the device, start and stop tracking mode and perform a mailbox check to send and receive custom messages. Each function of the CerberLink™

corresponds to an LED on the front panel. When the device cannot see a clear view of the satellites the signal indicator turns red. When a mailbox check is successful the mailbox check light flashes green. Because Cerberus is a bi-direction system you always know that your message got through.

75. The CerberLink™ hardware was designed and developed by BriarTek at its facilities in Alexandria, Virginia. One of the initial non-functioning mock-ups of the device made at that facility is shown below:



76. The CerberLink™ hardware is manufactured at the main facility in Alexandria, Virginia. Every effort has been made to completely build this product in the United States, including software development, electronics assembly, plastic fabrication and of course final assembly. BriarTek is proud to be able to say not only is this device designed in the United States it is made in the United States as well.

77. The CerberLink™ is sold, as well as rented, from the Alexandria, Virginia facility where they are manufactured. A picture of CerberLink™ devices at the Alexandria, Virginia facility waiting for final packaging and shipment is shown below:

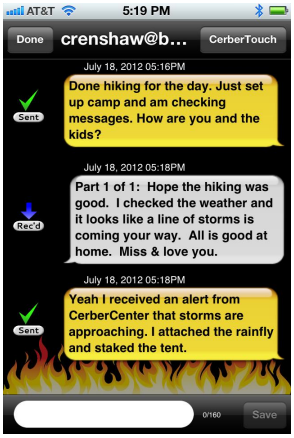
78. The CerberTouch™ is a smartphone application that allows users to interact with both the CerberLink™ hardware and the CerberCenter™ monitoring and tracking server. Unlike other systems where the application is just a simple terminal locked to a single satellite notification device CerberTouch™ is a full featured tracking and messaging application all on it's own. Users can send and receive messages via CerberTouch™ on their Blackberry, Android™, or iPhone™.

79. From CerberTouch™ the user can define the CerberLink's behavior. Functions on the application include tracking, messaging, breadcrumbs, SOS, mailbox check, and general system management. Users define tracking parameters such as minimum interval for track updates which ranges from every 10 minutes to once a day in the application and then load those settings into the CerberLink™ via a Bluetooth connection. Users can also set up automated mailbox checks that check to see if there are any incoming messages and automatically send any messages in the users outbox. By adjusting these settings users can manage their battery consumption and satellite bandwidth usage.

80. Messages can be delivered to any contact set up in the users profile or any email address. Messages can also be sent via SMS to users contacts cell phones. A separate

breadcrumb feature allows users to drop a pin on a Google map on their account and annotate that pin with a short message. These breadcrumbs can be shared with the general public, specified friends or just stored on a user's account. SOS messages can be sent from the application or from the CerberLink™ device directly. Once in SOS mode the device will continue to send the SOS message to the monitoring service and all contacts listed in the users emergency contacts. SOS mode automatically puts the users emergency message at the front of the mailbox stack and prioritizes delivery of messages in both directions. A confirmation message is sent to the user from CerberCenter™ and displayed on the CerberTouch™ application so that the user knows the initial message has been received and processed. The CerberCenter™ will then open a dialog with the user to determine the nature of the emergency and take appropriate action.

81. The two-way functionality of the CerberLink™ and CerberTouch™ system is shown below:



82. Cerberus is supported by a back office web server called CerberCenter™. The CerberCenter™ is a free software application. Users can sign up for an account on the BriarTek CerberCenter™ or run the application in their own environment. While CerberCenter™ provides basic message routing, account management and mapping features, one of the most

unique features of CerberCenter™ is the alerting function. BriarTek developed the ability to provide location based safety warnings, or alerts via bi-directional satellite messages. These alerts can come from virtually any source. Users can receive automated messages alerting them of weather changes, avalanche warnings, geopolitical warnings and any other health or safety warnings the user is interested in. These warnings can be tailored to the user's location and transmission preferences (e.g. satellite or cellular).

83. CerberCenter™ is where user account information is also stored. CerberCenter™ can associate up to four accounts with one device thus allowing multiple users to send and receive messages on a single CerberLink™.

84. One very unique feature of the Cerberus system is the alerting function. While the accused SCDs can call for help in an emergency, only Cerberus can truly help you to avoid emergencies. Cerberus tracks your location and then searches the internet for potential threats based on a users profile and their location. If there is a hazard, Cerberus sends a warning. Examples of alerts include automated weather alerts, news feeds, and warnings issued by municipalities. Users can designate the type of alerts they are interested in and also the method they want the alerts pushed to them.

85. Contacts are also stored in a users CerberCenter™ account. Users can assign contacts to groups so that they can be automatically notified in an emergency or a request for help. People in your contact list can also receive SMS text messages from your CerberLink™. CerberCenter™ is updated on a quarterly basis so that features are expanded based on customer feedback on a regular basis.

86. The system is currently for sale or rent in the United States. The current plans and rental options are shown in Exhibit 27.

87. The Cerberus system has been put to the test. In 2011, a new offshore sailing event was created: the Rolex Volcano Race. This 400-nautical mile offshore race for monohull Maxi yachts forms part of the Rolex Capri Sailing Week May 19-25, 2012 and BriarTek was there. This two-legged race starts in Gaeta, just north of Naples and, following an overnight stopover in Capri, takes the fleet around two magnificent archipelagos in the central and southern Tyrrhenian Sea – the Pontine Islands and the Aeolian Islands, including the active volcano of Stromboli – before returning to Capri.

88. In 2012, BriarTek's Cerberus powered SeaWeb Live Tracking at this prestigious event. With the help of Cerberus' CerberLink™ Iridium Connected™ device, a web-enabled tracking program charted the progress of the competitors in real time. SeaWeb also stored a record of the racers' progress with color-coded route information specific to each vessel. The data from each leg of each race can then be played back from the interactive website where users can select all or specific yachts and watch the race play back in their browser.

A. Technical Prong

89. As required by Section 337(a)(2) and defined by Section 337(a)(3), and industry in the United States exists in connection with articles protected by the '380 Patent. As described above, BriarTek IP and its licensee BriarTek Inc. are in the business of developing, designing and manufacturing SCD devices, and systems, which practice that '380 Patent. Claims 1, 2, 5, 10, 11, 12, 34, 35, 36, 37, 38, 43, and 44 of the '380 Patent reads on the Cerberus system. A claim chart demonstrating that BriarTek practices claims 1, 35 and 36 of the '380 Patent is shown in Exhibit 28. The Cerberus brochure showing the system is set forth in Exhibit 29. A CerberLink™ is set forth in Physical Exhibit PE-1.

B. Economic Prong

90. BriarTek IP and its licensee, BriarTek Inc., were established to market and sell SCD that practice the '380 Patent. See Confidential Exhibit 30C. And BriarTek IP and its licensee, BriarTek, Inc., have made substantial investments in labor, capital, R&D, manufacturing, plant and equipment, as well as sales and marketing to develop, market and sell SCDs that practice the '380 Patent. These investments include investments in manufacturing, engineers, technicians, laboratory equipment, marketing and sales. See Confidential Exhibit 30C. BriarTek, Inc. currently manufactures and sells the Cerberus system in the United States. *See* Exhibits 26, 27 and 29. All of these activities have occurred in the United States. *See* Confidential Exhibit 30C. And the SCDs represent a substantial portion of BriarTek IP as well as BriarTek, Inc.'s 2012 business. *See* Confidential Exhibit 30C.

XII. RELATED LITIGATION

91. There are no related litigations pending or previously filed relating to the '380 Patent.

RELIEF REQUESTED

WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

a. Institute an investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to violations of that section based on the unlawful importation into the United States, the sale for important, and/or sale within the United States after importation by the proposed respondents of products that infringe the '380 Patent;

b. Render a determination that Complainant has established an industry in the United States relating to articles protected by the '380 Patent;

c. Render a determination that the asserted claims 1, 2, 5, 10, 11, 12, 34, 35, 36, 43, and 44 of the '380 patent are valid and enforceable;

d. Render a determination that the Delorme and Yellowbrick Respondents are importing, selling for importation and/or selling after importation into the United States, SCDs that infringe one or more of the asserted claims of the '380 Patent;

e. Render a determination that Respondents importation, sale for importation and/or sale after importation into the United States of SCDs constitutes one or more violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337;

f. Issue a permanent limited exclusion order pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all SCDs that are manufactured, imported, or sold for importation by or on behalf of Respondents and which infringe one or more of the asserted claims of the '380 Patent;

g. Issue permanent cease and desist orders pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting the Respondents from importing, selling for importation

and/or selling after importation into the United States, SCDs that infringe one or more of the asserted claims of the '380 Patent;

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

Dated: August 16, 2012

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VERIFICATION

I, Charles K. Collins, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following are true:

1. I am one of the co-founders of BriarTek IP;

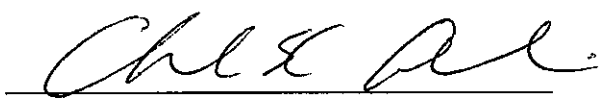
2. I have read the attached Complaint.

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. The allegations or other factual contentions have either evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery, and;

5. The foregoing Complaint is not being filed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

Executed this 16th of August 2012.



Charles K. Collins

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C. 20436

In the Matter of: Certain Two-Way Global Satellite Communication Devices, System and Components Thereof.	Investigation No. 337-TA-_____

STATEMENT OF PUBLIC INTEREST

In support of its Complaint entitled "Certain Two-Way Global Satellite Communication Devices, System and Components Thereof," Complainants BriarTek IP, Inc. ("BriarTek IP") respectfully submits this separate statement of public interest, as required by Commission Rule 210.8(b). 19 C.F.R. § 210.8(b).

As discussed below, exclusion of the infringing two-way satellite notification devices ("SNDs"), in the Complaint would not have an adverse effect on public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

(1) Explain how the articles potentially subject to the order are used in the United States.

The articles potentially subject to exclusion and cease and desist orders are SNDs with two-way communication, manufactured, imported, and sold after importation by the proposed respondents. These products are advertised for marine use, aviation use, outdoor-recreation, enterprise application and government use. The extent, if any, of

government use of the infringing products is not known at this time. The addition of two-way communication is an additional benefit that is not required by standard personal locator beacons.

(2) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders.

The issuance of exclusion and cease and desist orders in this matter would have no adverse impact upon the public health, safety, or welfare of the United States. Currently in the market and not subject to this Investigation are varying types of satellite notification devices as well as varying types of two-way communication devices.

BriarTek IP's licensee BriarTek Inc. manufactures in the United States and sells a competing product that offers comparable capability.

(3) Identify like or directly competitive articles that complainant, its licensees, or third parties make which would replace the subject articles if they were to be excluded.

BriarTek Inc. manufactures, sells and rents, the CerberLink™ device that works as part of the Cerberus system which consists of three parts: (A) CerberLink™; (B) CerberTouch™; and (C) CerberCenter™. The BriarTek Inc. product is sold in direct competition to the products of the two proposed respondents.

(4) Indicate whether the complainant, its licensees, and/or third parties have the capacity to replace the volume of articles subject to the requested remedial orders in a commercially reasonable time in the United States.

Complainant believes that its licensee BriarTek Inc. has the capacity to provide the United States market with SNDs sufficient to compensate for any of proposed respondents' infringing products that are subject to an exclusion order resulting from this matter.

(5) State how the requested remedial order would impact consumers.

The issuance of exclusion and cease and desist orders in this investigation would not adversely impact consumers. The accused products represent one of several types of satellite communication devices that are available to consumers. Further, Complainants believe that its licensee can adequately service the United States market without disruption.

Dated: August 17, 2012

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