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August 14, 2026

VIA EDIS

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

Re: *Certain Electronic Devices with Certain Audio Technologies*,
Investigation No. 337-TA-_____

Dear Secretary Barton:

Enclosed for filing on behalf of Complainant BoomCloud 360, Inc. are documents in support of Complainant's request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain electronic devices with certain audio technologies. A request for confidential treatment of Confidential Exhibits 7C, 20C, 21C, and 22C is also being submitted.

Complainant submits the following documents for filing via EDIS:

1. A Statement on the Public Interest with respect to the remedial orders Complainant seeks in the Complaint, pursuant to Commission Rule 210.8(b).
2. One (1) electronic copy of Complainants' Verified Complaint pursuant to Commission Rule 210.8(a)(1)(i);
3. One (1) electronic copy of the non-confidential exhibits to the Complaint, pursuant to Commission Rule 210.8(a)(1)(i); including
 - i. One (1) electronic copy¹ of U.S. Patent Nos. 10,524,078, 11,051,121 and 11,533,560, included with the Complaint as Exhibits 1-3, pursuant to Commission Rule 210.12(a)(9)(i);
 - ii. One (1) electronic copy of the Assignment Records for U.S. Patent Nos. 10,524,078, 11,051,121 and 11,533,560, included with the Complaint as Exhibits 4-6 pursuant to Commission Rule 210.12(a)(9)(ii);
4. One (1) electronic copy of the confidential exhibits to the Complaint, pursuant to

¹ Certified copies of the Patents, File Histories, and Assignment Records have been ordered from the U.S. Patent and Trademark Office.



December 12, 2025

Page 2

Commission Rules 201.6(c) and 210.8(a)(1)(ii);

5. One (1) electronic copy of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 10,524,078, included with the Complaint as Appendix A1, pursuant to Commission Rule 210.12(C)(1); one (1) electronic copy of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 11,051,121, included with the Complaint as Appendix B1; and one (1) electronic copy of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 11,533,560, included with the Complaint as Appendix C1; and
6. A letter and certification requesting confidential treatment for the information contained in Confidential Exhibits 7C, 20C, 21C, and 22C to the Complaint, pursuant to Commission Rules 201.6(b) and 210.5(d).

The requisite paper copies of the above will be delivered to the Secretary pursuant to Commission Rule 210.8.

Thank you for your attention to this matter. Please contact me should you have any question concerning this submission.

Respectfully submitted,

/s/ Matthew D. Aichele

Matthew D. Aichele

Enclosures



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Re: *Certain Electronic Devices with Certain Audio Technologies,*
Investigation No. 337-TA-_____

Dear Secretary Barton:

Complainant BoomCloud 360, Inc., (“BoomCloud”) by its counsel, hereby requests, pursuant to 19 C.F.R. §§ 210.5 and 201.6, confidential treatment of the confidential business information contained in Confidential Exhibit 7C, 20C, 21C, and 22C to Complainants’ Complaint transmitted herewith.

Confidential treatment is sought for Confidential Exhibits 7C, which details BoomCloud’s significant and substantial investments in the Domestic Industry Products and Exhibits 20C, 21C, and 22C, which detail operation of BoomCloud’s confidential and proprietary source code.

The information described above qualifies as confidential information pursuant to 19 C.F.R. § 201.6 because:

- a. it is not available to the public;
- b. unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainant and its licensees; and
- c. its disclosure could impair the Commission’s ability to obtain information necessary to perform its statutory function.

Please contact me should you have any question concerning this submission.

Respectfully submitted,

/s/ Matthew D. Aichele

Matthew D. Aichele

Enclosures

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES
WITH CERTAIN AUDIO
TECHNOLOGIES**

Investigation No. 337-TA-_____

STATEMENT REGARDING THE PUBLIC INTEREST

Pursuant to Commission Rule 210.8(b), 19 C.F.R. § 210.8(b), Complainant BoomCloud 360 Inc. (“BoomCloud” or “Complainant”) respectfully submits this Statement Regarding the Public Interest.

In its Complaint, BoomCloud seeks a limited exclusion order barring from entry into the United States certain electronic devices with certain audio technologies, such as mobile phones and tablets, that infringe U.S. Patent Nos. 10,524,078; 11,533,560; or 11,051,121 (the “Asserted Patents”), together with permanent cease and desist orders prohibiting **Apple, Inc.** (“Apple”); **Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.** (collectively, “Samsung”); and **Google LLC** (“Google”) (collectively, the “Proposed Respondents”), their subsidiaries, related companies, and agents, from importing, selling for importation, or selling after importation the Accused Products. The requested orders will not 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, or United States consumers.

This Investigation concerns audio signal technologies, not pharmaceuticals, essential medical devices, energy technology, or any other article on which an important public health or welfare need depends. Exclusion of the Accused Products would not “deprive the public of products necessary for some important health or welfare need,” *Spansion, Inc. v. Int’l Trade Comm’n*, 629 F.3d 1331, 1360 (Fed. Cir. 2010), and the Commission has withheld relief on public

interest grounds in only three investigations, each involving inadequate domestic supply of a genuinely essential article. *Id.* Nothing of the kind is presented here, and for the reasons set forth in Section VI, the Commission need not direct the presiding administrative law judge to take evidence on the public interest.

I. Explanation of How the Articles Potentially Subject to the Remedial Orders Are Used in the United States

The Accused Products are consumer electronic devices, principally mobile phones and tablets, that incorporate certain audio enhancement features or technologies. The Asserted Patents relate to digital signal processing that improves the reproduction of recorded audio through a device's built-in speakers or attached headphones, including subband spatial processing, crosstalk cancellation and crosstalk compensation, and device-aware audio enhancement. Consumers use the Accused Products for personal, business, and communication purposes. The accused functionality serves a narrower end: it makes recorded content sound better.

II. Identification of Any Public Health, Safety, or Welfare Concerns Relating to the Requested Remedial Orders

The requested orders would have no adverse effect on the public health, safety, or welfare. Such concerns arise in investigations involving pharmaceuticals, essential medical devices, and energy technologies. *See Spansion*, 629 F.3d at 1360; *Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. Nos. 337-TA-182/188, USITC Pub. 1667, Comm'n Op. at 23–25 (Oct. 1984) (burn-treatment beds that the record supported “provide[d] benefits unavailable from any other device or method of treatment”). The Accused Products are not medical devices and the accused features are neither emergency nor safety functions.

No public health, safety, or welfare interest depends on the Proposed Respondents' continued unlicensed importation of the Accused Products.

III. Identification of Like or Directly Competitive Articles That Complainant, Its Licensees, or Third Parties Make Which Could Replace the Subject Article If They Were to Be Excluded

Even if the accused features served an important public interest function, they are severable from the devices that carry them. “That ‘mobile phones’ may play a critical role in public health and safety does not mean that [the infringing phones] play a critical role in public health and safety that other smartphones cannot.” *Certain Personal Data & Mobile Comm’n Devices & Related Software*, Inv. No. 337-TA-710, Comm’n Op. at 74 (Dec. 29, 2011). On information and belief, the accused functionality is implemented in software and may be disabled or modified by software update without interrupting supply. Apple has done exactly that in other investigations in which it was found to infringe. After the Commission’s remedial orders issued in the 1276 Investigation, Apple restored an excluded feature to Apple Watch through “an iPhone and Apple Watch software update.”¹

If any of the Proposed Respondents are adjudicated as infringers and nonetheless decline to implement a non-infringing alternative, that choice is theirs and furnishes no basis to tailor or delay relief.

IV. Indication of Whether Complainant, Complainant’s Licensees, and/or Third-Party Suppliers Have the Capacity to Replace the Volume of Articles Subject to the Requested Remedial Orders in a Commercially Reasonable Time

No replacement volume is required, because the orders BoomCloud seeks reach only infringing articles. The Proposed Respondents may continue to import and sell the same phones and tablets, in the same volumes, once the infringing functionality is removed or licensed. And other suppliers, including for example Motorola and TCL, sell smartphones and tablets in the United States that are not accused here.

¹ <https://www.apple.com/newsroom/2025/08/an-update-on-blood-oxygen-for-apple-watch-in-the-us/>.

V. Statement of How the Requested Remedial Order Would Impact Consumers

Consumers would not be affected in any material respect. A wide range of mobile phones and tablets will remain available, including the Proposed Respondents' own devices with the infringing functionality removed. Set against that, the requested relief affirmatively serves the public interest. Congress directed that a violation of Section 337 be remedied by exclusion unless the statutory public interest factors dictate otherwise. 19 U.S.C. § 1337(d)(1). BoomCloud developed the audio technology at issue and has invested substantially in domestic engineering, labor, and capital, as set forth in the Complaint and Confidential Exhibit 7C. Permitting the Proposed Respondents to appropriate that technology without a license would erode the incentive to make the domestic investment Section 337 exists to protect.

VI. Delegation of the Public Interest to the Administrative Law Judge Is Unwarranted Because This Investigation Concerns Optional Audio Features, Not Public Health or Welfare

Delegation is the exception rather than the rule. Since 2010 the Commission has delegated development of a factual record on the statutory public interest factors to the presiding administrative law judge in 165 investigations, and in Fiscal Year 2025 it did so in approximately 27 percent of new investigations.²

The Commission declined to delegate in *Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-1191, 85 Fed. Reg. 7783 (Feb. 11, 2020), and in *Certain Audio Players and Components Thereof (II)*, Inv. No. 337-TA-1330, 87 Fed. Reg. 56701 (Sept. 15, 2022). Nor did it delegate in investigations directed to physiological monitoring on consumer wearables, where public health arguments were stronger than any available here. See *Certain Light-Based Physiological Measurement Devices &*

² https://www.usitc.gov/337_stats_delegating_public_interest.

Components Thereof, Inv. No. 337-TA-1276, 86 Fed. Reg. 46275 (Aug. 18, 2021). An investigation about how recorded music sounds through a telephone speaker supplies no reason to depart from that practice. The Commission should decline to delegate the public interest under 19 C.F.R. § 210.10(b)(2) and should address it, if at all, on the parties' and the public's submissions under 19 C.F.R. § 210.8(b) and (c).

Dated: August 14, 2026

Respectfully submitted,

/s/ Matthew D. Aichele

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES
WITH CERTAIN AUDIO
TECHNOLOGIES**

Investigation No. 337-TA-_____

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

COMPLAINANT:

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TABLE OF CONTENTS

I. INTRODUCTION	1
II. THE PARTIES	2
A. COMPLAINANT	2
B. PROPOSED RESPONDENTS	3
1. Apple	3
2. Samsung	3
3. Google	4
III. THE TECHNOLOGY AND PRODUCTS AT ISSUE	4
IV. THE ASSERTED PATENTS	4
A. U.S. PATENT NO. 10,524,078	5
1. Identification of the Patent and Ownership	5
2. Nontechnical Description of the Patent	5
3. Foreign Counterparts of the Patent	6
4. Licensee(s)	7
B. U.S. PATENT NO. 11,533,560	7
1. Identification of the Patent and Ownership	7
2. Nontechnical Description of the Patent	7
3. Foreign Counterparts of the Patent	8
4. Licensee(s)	8
C. U.S. PATENT NO. 11,051,121	8
1. Identification of the Patent and Ownership	8
2. Nontechnical Description of the Patent	9
3. Foreign Counterparts of the Patent	9
4. Licensee(s)	10
V. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS	10
A. APPLE	10
1. Infringement of the '078 Patent	10
2. Infringement of the '560 Patent	11
3. Infringement of the '121 Patent	12
B. SAMSUNG	13
1. Infringement of the '078 Patent	13
2. Infringement of the '560 Patent	14
3. Infringement of the '121 Patent	15

C.	GOOGLE	16
1.	Infringement of the '078 Patent	16
2.	Infringement of the '560 Patent	17
3.	Infringement of the '121 Patent	18
VI.	SPECIFIC INSTANCES OF IMPORTATION	19
A.	APPLE	19
B.	SAMSUNG	20
C.	GOOGLE	20
VII.	CLASSIFICATION OF THE ACCUSED PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE	20
VIII.	RELATED LITIGATION.....	20
IX.	DOMESTIC INDUSTRY	21
A.	TECHNICAL PRONG	21
B.	ECONOMIC PRONG.....	22
X.	RELIEF REQUESTED	23

EXHIBITS

Exhibit Number	Description
1	United States Patent No. 10,524,078 (“’078 Patent”) ¹
2	United States Patent No. 11,533,560 (“’560 Patent”)
3	United States Patent No. 11,051,121 (“’121 Patent”)
4	Assignment at Reel/Frame 46944/0268 (’078 Patent)
5	Assignment at Reel/Frame 53031/0794 (’560 Patent)
6	Assignment at Reel/Frame 51392/0971 (’121 Patent)
7	Confidential Hegemier Declaration re Domestic Industry
8	Receipt for Apple iPhone and Apple iPad and photograph(s) of product and/or packaging of Apple iPhone and Apple iPad
9	Receipt for Samsung Galaxy S25 and Samsung Galaxy Tab S10 and photograph(s) of product and/or packaging of Samsung Galaxy S25 and Samsung Galaxy Tab S10
10	Receipt for a Google Pixel 10 Pro and Photograph(s) of product and/or packaging of Google Pixel 10 Pro
11	Infringement Claim Chart for U.S. Patent No. 10,524,078 to Apple
12	Infringement Claim Chart for U.S. Patent No. 10,524,078 to Samsung
13	Infringement Claim Chart for U.S. Patent No. 10,524,078 to Google
14	Infringement Claim Chart for U.S. Patent No. 11,533,560 to Apple
15	Infringement Claim Chart for U.S. Patent No. 11,533,560 to Samsung
16	Infringement Claim Chart for U.S. Patent No. 11,533,560 to Google

¹ Certified copies of the Patents, File Histories, and Assignment Records have been ordered from the U.S. Patent and Trademark Office.

Exhibit Number	Description
17	Infringement Claim Chart for U.S. Patent No. 11,051,121 to Apple
18	Infringement Claim Chart for U.S. Patent No. 11,051,121 to Samsung
19	Infringement Claim Chart for U.S. Patent No. 11,051,121 to Google
20	Confidential Domestic Industry Claim Chart for U.S. Patent No. 10,524,078 to BoomCloud Smart Sound Product
21	Confidential Domestic Industry Claim Chart for U.S. Patent No. 11,533,560 to BoomCloud Smart Sound Product
22	Confidential Domestic Industry Claim Chart for U.S. Patent No. 11,051,121 to BoomCloud Smart Sound Product

APPENDICES

Appendix Letter	Description
A	Prosecution history of U.S. Patent No. 10,524,078
B	Prosecution history of U.S. Patent No. 11,533,560
C	Prosecution history of U.S. Patent No. 11,051,121

I. INTRODUCTION

1. This Complaint is filed by Complainant BoomCloud 360 Inc. (“BoomCloud” or “Complainant”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Complainant brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation, of certain electronic devices with spatial audio technology and components thereof (the “Accused Products”) that infringe one or more of the Asserted Claims of United States Patent Nos. 10,524,078 (“the ’078 Patent,” attached as **Exhibit 1**), 11,533,560 (“the ’560 Patent,” attached as **Exhibit 2**), and 11,051,121 (“the ’121 Patent,” attached as **Exhibit 3**) (collectively, the “Asserted Patents”).

3. Complainant asserts that the Accused Products infringe at least the following claims of one or more Asserted Patents in violation of Section 337(a)(1)(B)(i), either literally or under the doctrine of equivalents:

Asserted Patent	Asserted Claims ²
’078 Patent	1 , 2-9, 10 , 11-18, 19 , 20-23
’560 Patent	1 , 2-9, 10 , 11-18, 19 , 20-42, 43
’121 Patent	1 , 2-10, 11 , 12-20, 21 , 22-30

Table 1. The Asserted Claims.

4. The Proposed Respondents are Apple, Inc. (“Apple”); Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”); and Google LLC (“Google”). Collectively, these Proposed Respondents are referred to herein as “Respondents.”

² Independent claims are in bold.

5. As set forth in this Complaint, each of the Respondents imports into the United States, sells for importation into the United States, and/or sells in the United States after importation Accused Products that directly infringe the Asserted Patents, and/or indirectly infringe the Asserted Patents by induced or contributory infringement.

6. Complainant seeks, as relief for the unfair acts of the Respondents, the following: (i) institution of an investigation into Respondents' violations; (ii) a public hearing; (iii) a limited exclusion order barring from entry into the United States the Accused Products that infringe one or more of the Asserted Patents; (iv) a permanent cease and desist order prohibiting the importation, sale, sale for importation, offer for sale, and soliciting of the sale in the United States, of the Accused Products that infringe one or more of the Asserted Patents; (v) the imposition of a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and (vi) such other relief as the Commission deems proper.

7. A domestic industry exists as the result of BoomCloud's significant activities and substantial investments in the United States related to products that practice the Asserted Patents. These activities include Complainant's past, current, and ongoing significant and substantial domestic investments in plant, equipment, labor, and capital.

II. THE PARTIES

A. Complainant

8. Complainant BoomCloud 360 Inc. is a corporation organized and existing under the laws of Delaware and has a place of business at 687 South Coast Hwy 101, Suite # 311, Encinitas, CA 92024. BoomCloud is the sole owner by assignment of all right, title, and interest in each Asserted Patent.

9. BoomCloud is a technology leader in spatial audio. BoomCloud's proprietary audio solution provides versatile audio enhancements, enabling spatial audio on a variety of platforms,

including built-in speakers on mobile devices, tablets, TVs, automobiles, and headphones. BoomCloud's unobtrusive solution enables users to experience enhanced spatialized audio across platforms and on devices they already have.

B. Proposed Respondents

1. Apple

10. Apple, Inc. is a publicly traded corporation organized under the laws of the State of California, with its principal place of business at One Apple Park Way, Cupertino, CA 95014.

11. On information and belief, Apple designs and manufactures and/or has manufactured abroad on its behalf certain Accused Products that are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. *See Exhibit 8.*

2. Samsung

12. Samsung Electronics Co., Ltd. is a publicly traded corporation organized under the laws of South Korea. It has its principal place of business at 129 Samsung-Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, South Korea.

13. On information and belief, Samsung Electronics Co., Ltd. produces certain Accused Products abroad, including in Vietnam, that are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation, including through its subsidiary Samsung Electronics America, Inc. *See Exhibit 9.*

14. Samsung Electronics America, Inc. is a corporation organized under the laws of the State of New York. Its principal place of business is at 85 Challenger Rd., Ridgefield Park, New Jersey 07660.

15. On information and belief, Samsung Electronics America, Inc., a wholly owned subsidiary of Samsung Electronics Co., Ltd., sells within the United States after importation certain

Accused Products produced by or at the direction of Samsung Electronics Co., Ltd. *See Exhibit 9.*

16. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. are collectively referred to as “Samsung.”

3. Google

17. Google LLC is a Delaware limited liability company with its principal place of business and headquarters at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

18. On information and belief, Google designs and manufactures and/or has manufactured abroad on its behalf certain Accused Products that are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. *See Exhibit 10.*

III. THE TECHNOLOGY AND PRODUCTS AT ISSUE

19. Pursuant to 19 C.F.R. §§ 210.10(b)(1) and 210.12(a)(12), the categories of products accused of infringing one or more of the Asserted Patents are certain electronic devices with certain audio technologies, such as mobile phones, tablets, and products containing certain audio features.

20. Respondents infringe the Asserted Patents through the sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of such Accused Products. Exemplary identifications of such infringing articles are provided in Section V below.

IV. THE ASSERTED PATENTS

21. The Asserted Patents generally relate to digital signal processing techniques for enhancing the reproduction of audio, including subband spatial processing, crosstalk cancellation and crosstalk compensation, speaker-matching, and device-aware audio enhancement that deliver

immersive, accurately localized, and spatially enhanced sound on conventional loudspeakers and headphones.

22. The inventions of the Asserted Patents represent significant advances in spatial audio rendering. BoomCloud's patented solutions enable devices with as few as two speakers—such as smartphones, tablets, televisions, automotive systems, and headphones—to reproduce wide, immersive, and accurately localized sound by intelligently processing the audio signal to account for the playback device and the listener's position, without requiring additional speakers or specialized hardware.

23. The identification, ownership, non-technical description, foreign counterparts, and licensees for each Asserted Patent are identified below.

A. U.S. Patent No. 10,524,078

1. Identification of the Patent and Ownership

24. The '078 Patent, titled "Crosstalk Cancellation B-Chain," issued on December 31, 2019, naming Zachary Seldess as the inventor. **Exhibit 1** ('078 Patent) at 1. The '078 Patent issued from U.S. Patent Application No. 16/138,893, filed September 21, 2018, and claims priority to U.S. Provisional Application No. 62/592,304, filed November 29, 2017. *Id.* The expiration date of the '078 Patent is September 21, 2038. A copy of the '078 Patent is attached as **Exhibit 1**.

25. This Complaint is accompanied by the prosecution history for the '078 Patent. *See Appendix A.*

26. BoomCloud owns by assignment all rights, title, and interest in the '078 Patent. *See Exhibits 1 and 4, Appendix A.*

2. Nontechnical Description of the Patent

27. The '078 Patent discloses systems and methods for 'b-chain' processing of a spatially enhanced audio signal. Asymmetries are determined between a left speaker and a right

speaker—in frequency response, time alignment, and signal level—for a given listening position, generates left and right output channels by applying an N-band equalization, a delay, and a gain to the spatially enhanced signal to compensate for those asymmetries, producing accurate, well-balanced spatialized audio reproduction across a wide range of playback devices. As just one non-limiting example, a phone having a front-facing speaker and a down-facing speaker (or side-facing speaker, depending on orientation) would have asymmetries that would benefit from the teachings of the '078 Patent.

3. Foreign Counterparts of the Patent

28. BoomCloud identifies the following as being foreign patents issued or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '078 Patent:

- KR1020200080344
- CN111418220
- WO/2019/108487
- EP3718317
- KR1020200137020
- KR102185071B1
- JP2021505064
- IN202047021964
- JP2021132408
- JP2023153394
- JP2025027075
- JP2026067957
- TWI692257B

4. Licensee(s)

29. BoomCloud has not licensed the '078 Patent.

B. U.S. Patent No. 11,533,560

1. Identification of the Patent and Ownership

30. The '560 Patent, titled "Dynamic Rendering Device Metadata-Informed Audio Enhancement System," issued on December 20, 2022, naming Zachary Seldess and others as inventors. **Exhibit 2** ('560 Patent) at 1. It was filed as Application No. 16/902,044 on June 15, 2020. *Id.* The expiration date of the '560 Patent is June 15, 2040. A copy of the '560 Patent is attached as **Exhibit 2**.

31. This Complaint is accompanied by the prosecution history for the '560 Patent. *See Appendix B.*

32. BoomCloud owns by assignment all rights, title, and interest in the '560 Patent. *See Exhibits 2 and 5, Appendix B.*

2. Nontechnical Description of the Patent

33. The '560 Patent discloses a metadata-informed audio enhancement system. A device renders enhanced audio based on properties of the audio rendering system: rendering-system information (obtained, for example, from the device's operating system) is used to determine an audio enhancement optimized for that rendering system. The audio enhancement may include one or more types of audio processing—such as subband spatial processing and crosstalk processing—together with particular parameters tuned to the rendering system. For example, if a first-party set of headphones connects to a phone, the audio enhancement optimized for the first-party headphones may be applied.

3. Foreign Counterparts of the Patent

34. BoomCloud identifies the following as being foreign patents issued or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '560 Patent:

- PCT/US2020/053660
- JP2022527900A
- KR1020227020078A
- EP20888367.8A
- CN202080093274.3A
- TW112146729A
- TW111127140A
- TW109136103A

4. Licensee(s)

35. BoomCloud has not licensed the '560 Patent.

C. U.S. Patent No. 11,051,121

1. Identification of the Patent and Ownership

36. The '121 Patent, titled "Spectral Defect Compensation for Crosstalk Processing of Spatial Audio Signals," issued on June 29, 2021, naming Zachary Seldess as the inventor. **Exhibit 3** ('121 Patent) at 1. The '121 Patent issued from U.S. Patent Application No. 16/718,126, which is a continuation of U.S. Patent Application No. 16/013,804. *Id.* The expiration date of the '121 Patent is June 20, 2038. A copy of the '121 Patent is attached as **Exhibit 3**.

37. BoomCloud owns by assignment all rights, title, and interest in the '121 Patent. See **Exhibits 3 and 6, Appendix C**.

38. This Complaint is accompanied by the prosecution history for the '121 Patent. *See Appendix C.*

2. Nontechnical Description of the Patent

39. The '121 Patent discloses an audio system that provides spatial enhancement, crosstalk processing, and crosstalk compensation of an input audio signal. The crosstalk compensation compensates for spectral defects caused by applying crosstalk processing to a spatially enhanced signal, by applying filters to the mid and side components of the left and right input channels. The crosstalk compensation may be performed before, after, or in parallel with the crosstalk processing, and may be integrated with subband spatial processing that spatially enhances the audio signal.

3. Foreign Counterparts of the Patent

40. BoomCloud identifies the following as being foreign patents issued or foreign patent applications pending, filed, abandoned, withdrawn, or rejected corresponding to the '121 Patent.

- CN114222226A
- CN112313970B
- KR102296801B1
- KR102548014B1
- JP7113920B2
- JP7370415B2
- EP4496349A2
- EP4496349A3
- EP3811636A4
- TWI690220B

- TWI787586B
- WO2019245588A1
- PCT/US2018/041125
- India Pat. No. 466197

4. Licensee(s)

41. BoomCloud has not licensed the '121 Patent.

V. UNLAWFUL AND UNFAIR ACTS OF THE RESPONDENTS

42. BoomCloud asserts that the Respondents directly infringe, literally or under the doctrine of equivalents, and/or actively induce infringement of at least claims 1-23 of the '078 Patent, at least claims 1-43 of the '560 Patent, and at least claims 1-30 of the '121 Patent in violation of 35 U.S.C. §§ 271(a), (b), and/or (c) and Section 337(a)(1)(B)(i), as described in further detail below.

A. Apple

1. Infringement of the '078 Patent

43. On information and belief, Apple imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Apple Accused Products"), such as Apple devices that support certain audio features, including iPhones, iPads, and other Apple electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-23 of the '078 Patent. The Apple Accused Products are configured to practice all claim limitations of at least claims 1-23 of the '078 Patent at the time of importation into the United States.

44. Apple also knowingly and intentionally induces infringement of at least claims 1-23 of the '078 Patent in violation of 35 U.S.C. § 271(b). Through the filing and service of this Complaint, and also through the filing and service of the related District Court complaints

referenced in Section VIII, Apple has knowledge of the '078 Patent and the infringing nature of the Apple Accused Products. Despite this knowledge of the '078 Patent, Apple continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Apple Accused Products in ways that directly infringe the '078 Patent. Apple does so knowing and intending that its customers and end users will commit these infringing acts. Apple also continues to import, sell for importation, and/or sell in the United States the Apple Accused Products, despite its knowledge of the '078 Patent, thereby specifically intending for and inducing its customers to infringe the '078 Patent through the customers' normal and customary use of the Apple Accused Products.

45. A claim chart comparing independent claims 1, 10, and 19 of the '078 Patent to representative Apple Accused Products, an Apple iPhone 17 and an Apple iPad, and including photographs and drawings where applicable, is attached as **Exhibit 11**. Additional exemplary products that are believed to infringe include all Apple electronic devices that support certain audio features.

2. Infringement of the '560 Patent

46. On information and belief, Apple imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Apple Accused Products"), such as Apple devices that support certain audio features, including iPhones, iPads, and other Apple electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-43 of the '560 Patent. The Apple Accused Products are configured to practice all claim limitations of at least claims 1-43 of the '560 Patent at the time of importation into the United States.

47. Apple also knowingly and intentionally induces infringement of at least claims 1-43 of the '560 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of

this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Apple has knowledge of the '560 Patent and the infringing nature of the Apple Accused Products. Despite this knowledge of the '560 Patent, Apple continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Apple Accused Products in ways that directly infringe the '560 Patent. Apple does so knowing and intending that its customers and end users will commit these infringing acts. Apple also continues to import, sell for importation, and/or sell in the United States the Apple Accused Products, despite its knowledge of the '560 Patent, thereby specifically intending for and inducing its customers to infringe the '560 Patent through the customers' normal and customary use of the Apple Accused Products.

48. A claim chart comparing independent claims 1, 10, 19, and 43 of the '560 Patent to representative Apple Accused Products, an Apple iPhone 17 and an Apple iPad, and including photographs and drawings where applicable, is attached as **Exhibit 14**. Additional exemplary products that are believed to infringe include all Apple electronic devices that support certain audio features.

3. Infringement of the '121 Patent

49. On information and belief, Apple imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Apple Accused Products"), such as Apple devices that support certain audio features, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-30 of the '121 Patent. The Apple Accused Products are configured to practice all claim limitations of at least claims 1-30 of the '121 Patent at the time of importation into the United States.

50. Apple also knowingly and intentionally induces infringement of at least claims 1-30 of the '121 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of

this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Apple has knowledge of the '121 Patent and the infringing nature of the Apple Accused Products. Despite this knowledge, Apple continues to actively encourage and instruct its customers and end users to use the Apple Accused Products in ways that directly infringe the '121 Patent, and continues to import, sell for importation, and/or sell in the United States the Apple Accused Products, thereby specifically intending for and inducing infringement of the '121 Patent through the customers' normal and customary use of the Apple Accused Products.

51. A claim chart comparing independent claims 1, 11, and 21 of the '121 Patent to representative Apple Accused Products, an Apple iPhone 17 and an Apple iPad, and including photographs and drawings where applicable, is attached as **Exhibit 17**. Additional exemplary products that are believed to infringe include all Apple electronic devices that support certain audio features.

B. Samsung

1. Infringement of the '078 Patent

52. On information and belief, Samsung imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Samsung Accused Products"), such as Samsung devices that support certain audio features, including Galaxy smartphones and tablets and other Samsung electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-23 of the '078 Patent. The Samsung Accused Products are configured to practice all claim limitations of at least claims 1-23 of the '078 Patent at the time of importation into the United States.

53. Samsung also knowingly and intentionally induces infringement of at least claims 1-23 of the '078 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service

of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Samsung has knowledge of the '078 Patent and the infringing nature of the Samsung Accused Products. Despite this knowledge of the '078 Patent, Samsung continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Samsung Accused Products in ways that directly infringe the '078 Patent. Samsung does so knowing and intending that its customers and end users will commit these infringing acts. Samsung also continues to import, sell for importation, and/or sell in the United States the Samsung Accused Products, despite its knowledge of the '078 Patent, thereby specifically intending for and inducing its customers to infringe the '078 Patent through the customers' normal and customary use of the Samsung Accused Products.

54. A claim chart comparing independent claims 1, 10, and 19 of the '078 Patent to representative Samsung Accused Products, the Galaxy S25 Ultra and Galaxy Tab S10 FE, and including photographs and drawings where applicable, is attached as **Exhibit 12**. Additional exemplary products that are believed to infringe include all Samsung electronic devices that support certain audio features.

2. Infringement of the '560 Patent

55. On information and belief, Samsung imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Samsung Accused Products"), such as Samsung devices that support certain audio features, including Galaxy smartphones and tablets and other Samsung electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-43 of the '560 Patent. The Samsung Accused Products are configured to practice all claim limitations of at least claims 1-43 of the '560 Patent at the time of importation into the United States.

56. Samsung also knowingly and intentionally induces infringement of at least claims 1-43 of the '560 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Samsung has knowledge of the '560 Patent and the infringing nature of the Samsung Accused Products. Despite this knowledge of the '560 Patent, Samsung continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Samsung Accused Products in ways that directly infringe the '560 Patent. Samsung does so knowing and intending that its customers and end users will commit these infringing acts. Samsung also continues to import, sell for importation, and/or sell in the United States the Samsung Accused Products, despite its knowledge of the '560 Patent, thereby specifically intending for and inducing its customers to infringe the '560 Patent through the customers' normal and customary use of the Samsung Accused Products.

57. A claim chart comparing independent claims 1, 10, 19, and 43 of the '560 Patent to representative Samsung Accused Products, the Galaxy S25 Ultra and Galaxy Tab S10 FE, and including photographs and drawings where applicable, is attached as **Exhibit 15**. Additional exemplary products that are believed to infringe include all Samsung electronic devices that support certain audio features.

3. Infringement of the '121 Patent

58. On information and belief, Samsung imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Samsung Accused Products"), such as Samsung devices that support certain audio features, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-30 of the '121 Patent. The

Samsung Accused Products are configured to practice all claim limitations of at least claims 1-30 of the '121 Patent at the time of importation into the United States.

59. Samsung also knowingly and intentionally induces infringement of at least claims 1-30 of the '121 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Samsung has knowledge of the '121 Patent and the infringing nature of the Samsung Accused Products. Despite this knowledge, Samsung continues to actively encourage and instruct its customers and end users to use the Samsung Accused Products in ways that directly infringe the '121 Patent, and continues to import, sell for importation, and/or sell in the United States the Samsung Accused Products, thereby specifically intending for and inducing infringement of the '121 Patent through the customers' normal and customary use of the Samsung Accused Products.

60. A claim chart comparing independent claims 1, 11, and 21 of the '121 Patent to representative Samsung Accused Products, the Galaxy S25 Ultra and Galaxy Tab S10 FE, and including photographs and drawings where applicable, is attached as **Exhibit 18**. Additional exemplary products that are believed to infringe include all Samsung electronic devices that support certain audio features.

C. Google

1. Infringement of the '078 Patent

61. On information and belief, Google imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Google Accused Products"), such as Google devices that support certain audio features, including Pixel smartphones and other Google electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-23 of the '078 Patent. The Google Accused Products are configured to practice

all claim limitations of at least claims 1-23 of the '078 Patent at the time of importation into the United States.

62. Google also knowingly and intentionally induces infringement of at least claims 1-23 of the '078 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Google has knowledge of the '078 Patent and the infringing nature of the Google Accused Products. Despite this knowledge of the '078 Patent, Google continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Google Accused Products in ways that directly infringe the '078 Patent. Google does so knowing and intending that its customers and end users will commit these infringing acts. Google also continues to import, sell for importation, and/or sell in the United States the Google Accused Products, despite its knowledge of the '078 Patent, thereby specifically intending for and inducing its customers to infringe the '078 Patent through the customers' normal and customary use of the Google Accused Products.

63. A claim chart comparing independent claims 1, 10, and 19 of the '078 Patent to a representative Google Accused Product, the Pixel 10 Pro, and including photographs and drawings where applicable, is attached as **Exhibit 13**. Additional exemplary products that are believed to infringe include all Google electronic devices that support certain audio features.

2. Infringement of the '560 Patent

64. On information and belief, Google imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Google Accused Products"), such as Google devices that support certain audio features, including Pixel smartphones and other Google electronic devices, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-43 of the '560 Patent. The Google Accused Products are configured to practice

all claim limitations of at least claims 1-43 of the '560 Patent at the time of importation into the United States.

65. Google also knowingly and intentionally induces infringement of at least claims 1-43 of the '560 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Google has knowledge of the '560 Patent and the infringing nature of the Google Accused Products. Despite this knowledge of the '560 Patent, Google continues to actively encourage and instruct its customers and end users (for example, through its user manuals and online instruction materials on its website) to use the Google Accused Products in ways that directly infringe the '560 Patent. Google does so knowing and intending that its customers and end users will commit these infringing acts. Google also continues to import, sell for importation, and/or sell in the United States the Google Accused Products, despite its knowledge of the '560 Patent, thereby specifically intending for and inducing its customers to infringe the '560 Patent through the customers' normal and customary use of the Google Accused Products.

66. A claim chart comparing independent claims 1, 10, 19, and 43 of the '560 Patent to a representative Google Accused Product, the Pixel 10 Pro, and including photographs and drawings where applicable, is attached as **Exhibit 16**. Additional exemplary products that are believed to infringe include all Google electronic devices that support certain audio features.

3. Infringement of the '121 Patent

67. On information and belief, Google imports, sells for importation, and/or sells within the United States after importation certain Accused Products (the "Google Accused Products"), such as Google devices that support certain audio features, that directly infringe, literally and/or under the doctrine of equivalents, at least claims 1-30 of the '121 Patent. The Google Accused

Products are configured to practice all claim limitations of at least claims 1-30 of the '121 Patent at the time of importation into the United States.

68. Google also knowingly and intentionally induces infringement of at least claims 1-30 of the '121 Patent in violation of 35 U.S.C. § 271(b). Through at least the filing and service of this Complaint, and also through the filing and service of the related District Court complaints referenced in Section VIII, Google has knowledge of the '121 Patent and the infringing nature of the Google Accused Products. Despite this knowledge, Google continues to actively encourage and instruct its customers and end users to use the Google Accused Products in ways that directly infringe the '121 Patent, and continues to import, sell for importation, and/or sell in the United States the Google Accused Products, thereby specifically intending for and inducing infringement of the '121 Patent through the customers' normal and customary use of the Google Accused Products.

69. A claim chart comparing independent claims 1, 11, and 21 of the '121 Patent to a representative Google Accused Product, the Pixel 10 Pro, and including photographs and drawings where applicable, is attached as **Exhibit 19**. Additional exemplary products that are believed to infringe include all Google electronic devices that support certain audio features.

VI. SPECIFIC INSTANCES OF IMPORTATION

A. Apple

70. On information and belief, the Apple Accused Products are manufactured outside of the United States and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. For example, **Exhibit 8** is a receipt showing the purchase of representative Apple spatial-audio products Apple iPhone 17 and an Apple iPad in the United States. **Exhibit 8** also contains photograph(s) of the products and/or product packaging, indicating that the representative Apple products are made in Vietnam and China.

B. Samsung

71. On information and belief, the Samsung Accused Products are manufactured outside of the United States and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. For example, **Exhibit 9** is a receipt showing the purchase of representative Samsung spatial-audio products, a Samsung Galaxy S25 Ultra and Samsung Galaxy Tab S10 FE in the United States. **Exhibit 9** also contains photograph(s) of the products and/or product packaging indicating that the Samsung products are made in Vietnam.

C. Google

72. On information and belief, the Google Accused Products are manufactured outside of the United States and sold for importation into the United States, imported into the United States, and/or sold within the United States after importation. For example, **Exhibit 10** is a receipt showing the purchase of a representative Google spatial-audio product, a Google Pixel 10 Pro. **Exhibit 10** also contains photograph(s) of the product and/or product packaging, indicating that the Google Pixel 10 Pro is made in Vietnam.

VII. CLASSIFICATION OF THE ACCUSED PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

73. The Accused Products are classified under at least the following subheadings of the Harmonized Tariff Schedule of the United States: 8517.13.00, 8518.13, 8518.30, and 8471.41. This classification is exemplary in nature and not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

VIII. RELATED LITIGATION

74. Complainant is concurrently filing suits against each proposed Respondent in an appropriate United States District Court alleging infringement of the Asserted Patents. Specifically, Complainant has filed the following cases:

- *BoomCloud 360 Inc. v. Samsung*, Case No. 2:26-cv-693, in the United States District Court for the Eastern District of Texas
- *BoomCloud 360 Inc. v. Apple*, Case No. 7:26-cv-312, in the United States District Court for the Western District of Texas
- *BoomCloud 360 Inc. v. Google*, Case No. 7:26-cv-313, in the United States District Court for the Western District of Texas

75. Other than these suits, the Asserted Patents are not and have not been the subject of any prior litigation.

IX. DOMESTIC INDUSTRY

76. A domestic industry exists under Section 337(a)(2) and 337(a)(3). In particular, a domestic industry exists as a result of BoomCloud’s significant and continuous investment in plant and equipment and employment of labor or capital made with respect to Domestic Industry Products (“DI Products”) that practice and are protected by the Asserted Patents, as well as its substantial investment in the exploitation of the Asserted Patents. *See* 19 U.S.C. § 1337(a)(3)(B)-(C).

A. Technical Prong

77. The Asserted Patents have led to significant and substantial investments in plant and equipment, labor and capital, and engineering and research and development with respect to products that practice one or more claims of the Asserted Patents (the “Domestic Industry Products”), including the exemplary BoomCloud 360 Smart Sound product, for example, as implemented in devices supporting Verizon Adaptive Sound, including, for exemplary purposes only, the Motorola Edge.

78. **Confidential Exhibits 20-22** are claim charts demonstrating that the Domestic Industry Products practice the Asserted Patents. The following table identifies the exemplary Domestic Industry Products with the corresponding Asserted Patent and exemplary Asserted Claim(s) that are practiced by the Domestic Industry Products.

Asserted Patent	Exemplary Practiced Claim	Exemplary Domestic Industry Products
10,524,078	10	BoomCloud Smart Sound Product
11,533,560	19	BoomCloud Smart Sound Product
11,051,121	21	BoomCloud Smart Sound Product

79. An exemplary claim chart showing how the Domestic Industry Products practice exemplary claims of the '078 Patent is attached as **Confidential Exhibit 20**. This claim chart provides a basis for the domestic industry relating to the '078 Patent.

80. An exemplary claim chart showing how the Domestic Industry Products practice exemplary claims of the '560 Patent is attached as **Confidential Exhibit 21**. This claim chart provides a basis for the domestic industry relating to the '560 Patent.

81. An exemplary claim chart showing how the Domestic Industry Products practice exemplary claims of the '121 Patent is attached as **Confidential Exhibit 22**. This claim chart provides a basis for the domestic industry relating to the '121 Patent.

B. Economic Prong

82. BoomCloud has in the United States, with respect to the Domestic Industry Products, significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in exploitation of the Asserted Patents. These investments and employment are all tied to the Asserted Patents. **Confidential Exhibit 7C** is a declaration from Darrin Hegemier, detailing BoomCloud's significant and substantial activities, investments, and employment with respect to the Asserted Patents.

83. BoomCloud is headquartered in Encinitas, California, and has invested and continues to invest significant sums in domestic labor and capital relating to the Domestic Industry Products. Details relating to BoomCloud's domestic expenditures on labor and capital are set forth in **Confidential Exhibit 7C**.

84. BoomCloud has also invested and continues to invest significant sums in domestic plant and equipment relating to the Domestic Industry Products. Details relating to BoomCloud's domestic expenditures on plant and equipment are set forth in **Confidential Exhibit 7C**.

X. RELIEF REQUESTED

85. Respondents have infringed and will continue to infringe the Asserted Patents as specified in Sections V and VI above, unless the Commission prohibits the importation into and sale within the United States after importation of the Accused Products.

86. Accordingly, BoomCloud respectfully requests that the United States International Trade Commission:

- a) Institute an investigation pursuant to Section 337(b)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, into Respondents' violations of Section 337 arising from the sale for importation into the United States, importation, and/or sale within the United States after importation of certain electronic devices with certain audio features that infringe the Asserted Patents;
- b) Schedule and conduct a hearing, pursuant to 19 U.S.C. § 1337(c), for purposes of receiving evidence and hearing arguments concerning whether Respondents have violated Section 337 and, following the hearing, determine that Respondents have violated Section 337;
- c) Issue a permanent limited exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), excluding from entry into the United States certain electronic devices with certain audio features that are imported, sold for importation, or sold after importation by the Respondents or any of their affiliate companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns that infringe one or more

claims of the Asserted Patents, including, without limitation, the specific Accused Products identified in this Complaint and the exhibits hereto;

- d) Issue permanent orders, pursuant to 19 U.S.C. § 1337(f), directing Respondents and any of their principals, stockholders, officers, directors, employees, agents, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns to cease and desist from importing, selling, selling for importation, offering for sale, using, demonstrating, promoting, marketing, and/or advertising in the United States Respondents' electronic devices with certain audio features that infringe one or more claims of the Asserted Patents, including, without limitation, the specific Accused Products identified in this Complaint and the exhibits hereto;
- e) Impose a bond on importation and sales of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and
- f) Grant all such other and further relief as it deems appropriate under the law, based upon the facts complained of herein and as determined by the investigation.

Dated: August 14, 2026

Respectfully submitted,

/s/ Matthew D. Aichele

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*Counsel for Complainant BoomCloud 360,
Inc.*

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES
WITH CERTAIN AUDIO
TECHNOLOGIES**

Investigation No. 337-TA-_____

I, Darrin Hegemier, declare, in accordance with 19 C.F.R. § 210.12(a)(1), as follows:

1. I am the Chief Executive Officer of BoomCloud 360, Inc. and I am authorized to sign this Complaint;
2. I have read the Complaint and am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

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

Executed on August 12, 2026



Darrin Hegemier
Chief Executive Officer
Boomcloud 360, Inc.