ITC Recommends Exclusion Order to Prevent Mellanox and FCI From Further Importing Fiber Optic Products Infringing Avago Patent

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SAN JOSE, Calif. and SINGAPORE, Jan. 15, 2014 (GLOBE NEWSWIRE) -- Avago Technologies (Nasdaq:AVGO), a leading supplier of analog interface components for wireless, wireline, and industrial applications, today announced its successful assertion of a patent related to its VCSEL technology used in datacenter, enterprise network and high-performance computing applications. On Friday, December 13, 2013, the International Trade Commission issued the Initial Determination finding a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in favor of Avago Technologies, upholding the validity of Avago's patents and finding that both Mellanox and FCI infringe Avago's intellectual property by importing and selling optical communication products having vertical-cavity surface-emitting lasers (VCSEL).

The VCSEL products at issue are commonly used in optical communications systems, including components such as Active Optical Cables (AOC) and transceivers that allow digital information to be converted into light and sent through a fiber into a receiver, which then transforms the light back into digital information. The infringing Mellanox AOCs and transceivers are used in InfiniBand and Ethernet adapters, switches, routers, servers, external storage systems and supercomputers. Further, the infringing Mellanox transceivers and AOCs are advertised compliant to the IEEE Ethernet standards and the IBTA (InfiniBand Trade Association) standards. These components enable the transfer of information in server systems, corporate data centers, cloud computing, computer clusters and the like.

Avago's General Counsel, Patricia H. McCall, stated, "Avago is pleased by the ITC's decision and remains committed to protecting and, where necessary, taking action to enforce its valuable patent and intellectual property rights. Our belief in the strength of our intellectual property in fiber optics is validated by this decision. Avago will be asking the Commission to consider the appropriate scope of an exclusion order enjoining Mellanox and FCI from importing the infringing optoelectronic products and systems employing these components into the United States for the term of Avago's VCSEL patent."

By way of background, in October 2012, the ITC announced it would investigate Avago's complaint, which accused Mellanox of California and Israel, and FCI of France, Germany, and Pennsylvania, of importing fiber optic products and components that infringe Avago's U.S. Patent Number 5,596,595 and 6,947,456. Prior to the ITC matter, in June 2010, Avago sued IPtronics A/S and IPtronics, Inc., ("IPtronics"), both subsequently acquired by Mellanox, in the Northern District of California. The District Court case for patent damages, trade secret misappropriation, and unfair competition was stayed until the Initial Determination issued. Avago will pursue the patent infringement, trade secret misappropriation, and unfair competition charges in the District Court.

About Avago Technologies

Avago Technologies is a leading designer, developer and global supplier of a broad range of analog, mixed signal and optoelectronics components and subsystems with a focus in III-V compound semiconductor design and processing. Backed by an extensive portfolio of intellectual property, Avago products serve three primary target markets: wireless communications, wired infrastructure, and industrial and other. Avago has a global employee presence and heritage of technical innovation dating back 50 years to its Hewlett-Packard roots. For more information, visit Avago's website: www.avagotech.com.

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