

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN INTEGRATED CIRCUITS  
AND PRODUCTS CONTAINING THE  
SAME**

**Inv. No. 337-TA-1148**

**NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337**

Administrative Law Judge Cameron Elliot

(May 22, 2020)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

**SO ORDERED.**



---

Cameron Elliot  
Administrative Law Judge

## VII. CONCLUSIONS OF LAW

1. The Commission has *in rem* jurisdiction over the accused products, integrated circuits and products containing same.
2. The importation or sale requirement of Section 337 is satisfied for all respondents.
3. Tela, through its licensee, has not been shown to practice any claims of U.S. Patent No. 10,141,334.
4. The domestic industry requirement is not satisfied with respect to the 334 patent.
5. Tela, through its licensee, has not been shown to practice any claims of U.S. Patent No. 10,186,523.
6. The domestic industry requirement is not satisfied with respect to the 523 patent.
7. Respondents directly infringe claims 1, 2, and 5 of the 334 patent.
8. Respondents directly infringe claims 1-11, 14-20, 25, and 26 of the 523 patent.
9. Claims 1, 2, and 5 of the 334 patent have been shown to be invalid under 35 U.S.C. § 102. No claims of the 334 patent have been shown to be invalid under 35 U.S.C. § 103.
10. Claims 1, 2, 5, and 15 of the 334 patent have been shown to be invalid under 35 U.S.C. § 112.
11. No claims of the 523 patent have been shown to be invalid under 35 U.S.C. § 103.
12. No claims of the 523 patent have been shown to be invalid under 35 U.S.C. § 112.
13. Tela is not contractually barred from enforcing the 334 patent against respondent Intel or its customers.
14. There is no violation of Section 337 with respect to the 334 patent.
15. There is no violation of Section 337 with respect to the 523 patent.

....

## IX. INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is no violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain

integrated circuits and products containing the same, in connection with the asserted claims of U.S. Patent Nos. 10,141,334 and 10,186,523.

Furthermore, it is my determination that a domestic industry in the United States that practices or exploits the asserted patents does not exist.

This Initial Determination, together with the record of the hearing in this investigation consisting of the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered, and the exhibits accepted into evidence in this investigation, is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission sixty (60) days after the date of service of the Initial Determination, unless a party files a petition for review of the Initial Determination within twelve (12) business days after service of the Initial Determination pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion, a review of the Initial Determination or certain issues therein. Any issue or argument not raised in a petition for review, or response thereto, will be deemed to have been abandoned and may be disregarded by the Commission in reviewing the Initial Determination pursuant to 19 C.F.R. § 210.43(b) and (c).