

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN DIGITAL VIDEO-CAPABLE
DEVICES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1224

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Cameron Elliot

(October 21, 2021)

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

CONCLUSIONS OF LAW

(1) Complainants have proven that at least one Accused Product within the scope of this investigation infringes all asserted claims of U.S. Patent No. 10,091,186.

(2) Complainants have not proven that any Accused Product infringes any asserted claim of U.S. Patent No. 10,298,564.

(3) Respondents have not proven the invalidity of any asserted claim of U.S. Patent Nos. 10,091,186 or 10,298,564.

(4) Complainants have not proven the existence of a domestic industry practicing any claim of U.S. Patent Nos. 10,091,186 or 10,298,564.

(5) Complainants have not proven the existence of a domestic industry as required by subsection (a)(2) of section 337.

INITIAL DETERMINATION AND ORDER

Based on the foregoing,¹ 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 digital video-capable devices and components thereof, in connection with the asserted claims of U.S. Patent Nos. 10,091,186 and 10,298,564. Furthermore, it is my determination that no domestic industry in the United States exists that practices or exploits U.S. Patent Nos. 10,091,186 and 10,298,564.

¹ The failure to discuss any matter raised by the parties or any portion of the Record herein does not indicate that said matter was not considered. Rather, any such matter(s) or portion(s) of the Record has/have been determined to be irrelevant, immaterial or meritless. Arguments made on brief which were otherwise unsupported by Record evidence or legal precedent have been accorded no weight.

I certify to the Commission this Initial Determination, together with the Record of the hearing in this investigation consisting of the following: the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered; and the exhibits accepted into evidence in this investigation.²

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).

² The pleadings of the parties filed with the Secretary need not be certified as they are already in the Commission's possession in accordance with Commission rules.