

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING STREAMING PLAYERS,
TELEVISIONS, SET TOP BOXES,
REMOTE CONTROLLERS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1200

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART A MOTION FOR SUMMARY
DETERMINATION CONCERNING INFRINGEMENT AND THE TECHNICAL
PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 38) issued by the presiding administrative law judge (“ALJ”), granting in part a motion for summary determination that the technical prong of the domestic industry requirement is satisfied with respect to the claim 19 of U.S. Patent No. 7,589,642 (“the ’642 patent”) and that claim 19 is infringed by certain accused products.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 22, 2020, based on a complaint filed by Universal Electronics, Inc. (“UEI”) of Scottsdale, Arizona. 85 FR 31211-212 (May 22, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), in the importation into the United States, sale for importation, or sale in the United States after importation of certain electronic devices, including streaming players, televisions, set top boxes, remote controllers, and components thereof, by reason of infringement of one of more of the asserted claims of the ’642 patent and U.S. Patent Nos. 10,593,196 (“the ’196 patent”); 7,696,514 (“the ’514 patent”); 9,911,325; 10,600,317 (“the ’317 patent”); and 9,716,853 (“the ’853 patent”). *Id.* The complaint also alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named the following respondents: Roku Inc. of Los Gatos,

California; TCL Electronics Holdings Ltd. of New Territories, Hong Kong; Shenzhen TCL New Technology Co. Ltd. of Shenzhen, China; TCL King Electrical Appliances Co. Ltd., Huizhou, China; TTE Technology Inc. of Corona, California; TCL Corp. of Huizhou City, China; TCL Moka Int'l Ltd. of New Territories, Hong Kong; TCL Overseas Marketing Ltd. of New Territories, Hong Kong; TCL Industries Holdings Co., Ltd. of New Territories, Hong Kong; TCL Smart Device Co. of Bac Tan Uyen District, Vietnam; Hisense Co. Ltd. of Qingdao, China; Hisense Electronics Manufacturing Co. of America Corp. of Suwanee, Georgia; Hisense Import & Export Co. Ltd. of Qingdao, China; Qingdao Hisense Electric Co., Ltd. of Qingdao, China; Hisense International Co., Ltd. of Shen Wang, Hong Kong; Funai Electric Co., Ltd. of Osaka, Japan; Funai Corp. Inc. of Rutherford, New Jersey; and Funai Co., Ltd. of Nakhon Ratchasima, Thailand (collectively, “the Funai Respondents”) (all respondents are collectively referred to as “Respondents”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

The Commission previously terminated the investigation with respect to the '853 patent, claims 19 and 20 of the '196 patent, and claims 14 and 20 of the '642 patent due to the withdrawal of those patent claims. Order No. 27 at 1 (Dec. 2, 2020), *unreviewed by* Comm'n Notice (Dec. 23, 2020). The Commission subsequently terminated the investigation with respect to claim 20 of the '514 patent. Order No. 32 (Dec. 21, 2020), *unreviewed by* Comm'n Notice (Jan. 5, 2021). On January 13, 2021, the Commission amended the notice of institution of the investigation to clarify that claims 2 and 4-5 of the '196 patent are relevant only to domestic industry claims and are not being asserted against any respondent for infringement purposes. Order No. 33 (Dec. 29, 2020), *unreviewed by* Comm'n Notice (Jan. 13, 2021). On January 21, 2021, the Commission partially terminated the investigation by withdrawing all asserted claims of the '317 patent, claim 6 of the '514 patent, and claims 1, 3, 4, 6, 12, and 19 of the '642 patent with respect to the Funai Respondents. Order No. 34 at 1, 3 (Jan. 4, 2021), *unreviewed by* Comm'n Notice (Jan. 21, 2021).

On December 29, 2020, UEI moved for summary determination that claim 19 of the '642 patent is practiced by certain domestic industry products and infringed by the so-named “Elk” and “Alice” series of accused products. On January 11, 2021, Respondents filed a response opposing the motion. On January 19, 2021, the ALJ issued the subject ID (“Order No. 38”) granting UEI’s motion in part by entering summary determination that claim 19 is practiced by the domestic industry products and infringed by the accused “Elk” products. Order No. 38 denies summary determination of infringement with respect to the accused “Alice” products. Order No. 38, insofar as it denies summary determination, is not an ID and is not subject to Commission review at this time.

On January 27, 2021, Respondents filed a petition for review of Order No. 38. On February 3, 2021, UEI filed its opposition to Respondents’ petition.

Upon review of Order No. 38, the parties’ submissions, and the evidence of record, the Commission has determined not to review the subject ID entering summary determination that

claim 19 of the '642 patent is practiced by the domestic industry products and infringed by the accused "Elk" products.

The Commission vote for this determination took place on February 18, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: February 18, 2021