

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING
DEVICES, COMPONENTS THEREOF,
AND DIGITAL SMART TELEVISIONS
CONTAINING THE SAME**

Investigation No. 337-TA-1222

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 25) granting complainant’s unopposed motion to partially terminate the investigation by withdrawing certain claims of the asserted patents against all of the named respondents.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 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 system (“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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 19, 2020, based on a complaint, as supplemented, filed by DivX, LLC (“DivX”) of San Diego, California. 85 FR 66355 (Oct. 19, 2020). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337, from the importation, sale for importation, or sale in the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of one or more asserted claims of U.S. Patent Nos. 8,832,297 (“the ’297 patent”); 10,212,486 (“the ’486 patent”); 10,412,141 (“the ’141 patent”); and 10,484,749 (“the ’749 patent”). *Id.* The complaint further alleges the existence of a domestic industry. *Id.*

The Commission’s notice of investigation named the following parties as respondents: Samsung Electronics Co., Ltd. of Suwon-si, Gyeonggido of the Republic of Korea; Samsung Electronics HCMC CE Complex Co. of Ho Chi Minh City, Vietnam; Samsung Electronics

America, Inc. of Ridgefield Park, New Jersey; LG Electronics Inc. of Seoul, Republic of Korea; LG Electronics USA, Inc. of Englewood Cliffs, New Jersey; TCL Corporation of Huizhou, Guangdong, China; TCL Technology Group Corp. of Huizhou, Guangdong, China; TCL Electronics Holdings Ltd. of Shenzhen, Guangdong, China; TTE Technology, Inc. of Corona, California; Shenzhen TCL New Technologies Co. of Shenzhen, Guangdong, China; TCL King Electrical Appliances (Huizhou) Co., Ltd. of Huizhou, Guangdong, China; TCL MOKA International Ltd. of New Territories, Hong Kong (SAR); TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan; and RealTek Semiconductor Corp. of Hsinchu Science Park, Hsinchu 300, Taiwan. *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On January 13, 2021, DivX filed an unopposed motion to partially terminate the investigation by withdrawing claims 18-29 and 32-39 of the '297 patent; claims 15-19 and 21-25 of the '486 patent (which the ID mistakenly identifies as "claims 15-19 and 21-15"); claims 20-22 and 26-30 of the '141 patent; and claims 10-18 of the '749 patent against all of the named respondents.

On January 15, 2021, the presiding administrative law judge ("ALJ") issued the subject ID (Order No. 25) granting DivX's unopposed motion. The subject ID finds that DivX's unopposed motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) in that there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. *Id.* at 1-2. The subject ID further finds no extraordinary circumstances that would warrant denial of DivX's unopposed motion, which serves to narrow the scope of the investigation and simplify the issues before the ALJ. *Id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The following claims are terminated from the investigation: claims 18-29 and 32-39 of the '297 patent; claims 15-19 and 21-25 of the '486 patent; claims 20-22 and 26-30 of the '141 patent; and claims 10-18 of the '749 patent.

The Commission voted to approve this determination on February 1, 2021.

The authority for the Commission's determinations 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 1, 2021