

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Investigation No. 337-TA-1224

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
CLAIMS OF THE ASSERTED PATENTS AND AS TO ASSERTED
U.S. PATENT NO. 9,590,977 IN ITS ENTIRETY**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 21) of the presiding administrative law judge (“ALJ”) terminating the investigation as to certain claims of the asserted patents and as to asserted U.S. Patent No. 9,590,977 in its entirety.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On October 22, 2020, the Commission instituted this investigation based on a complaint filed on behalf of Koninklijke Philips N.V. of Eindhoven, Netherlands and Philips North America LLC of Cambridge, Massachusetts (together, “Philips”). 85 FR 67373-74 (Oct. 22, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on 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 by reason of infringement of certain claims of U.S. Patent Nos. 9,436,809 (“the ’809 patent”); 9,590,977 (“the ’977 patent”); 10,091,186 (“the ’186 patent”); and 10,298,564 (“the ’564 patent”). *Id.* at 67373. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named twenty-six respondents. *Id.* at 67374. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On April 15, 2021, the Commission determined to terminate the investigation as to asserted claims 1-3 and 8-10 of the '977 patent with respect to all named respondents based on withdrawal of the allegations in the complaint as to those claims. Order No. 19 (Mar. 29, 2021), *unreviewed by Comm'n Notice* (Apr. 15, 2021).

On April 13, 2021, Philips filed a motion for partial termination of the investigation based on withdrawal of the allegations in the complaint, with respect to all named respondents, as to (i) asserted claims 2, 5, 6, 11, 12, 15, 17, 22, 23, 26, 49, 50, and 52-54 of the '809 patent, (ii) asserted claims 2-7, 13, and 15 of the '186 patent, (iii) asserted claims 2-11, 14, 20, and 22 of the '564 patent, and (iv) all remaining asserted claims (*i.e.*, claims 11, 12, and 14-20) of the '977 patent. The motion states that no respondents oppose the motion. *See Mot.* at 2. No respondent filed a response to the motion. On April 14, 2021, OUII filed a response in support of the motion.

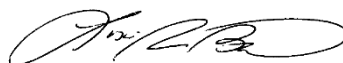
On April 14, 2021, the ALJ issued the subject ID granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and that there are “no extraordinary circumstances that would prevent the requested partial termination of this investigation.” ID at 3. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The following claims are terminated from the investigation: (i) asserted claims 2, 5, 6, 11, 12, 15, 17, 22, 23, 26, 49, 50, and 52-54 of the '809 patent; (ii) asserted claims 2-7, 13, and 15 of the '186 patent; (iii) asserted claims 2-11, 14, 20, and 22 of the '564 patent; and (iv) all remaining asserted claims (*i.e.*, claims 11, 12, and 14-20) of the '977 patent. The '977 patent is terminated from the investigation.

The Commission vote for this determination took place on May 12, 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.



Lisa R. Barton
Secretary to the Commission

Issued: May 12, 2021