

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ACTIVE MATRIX OLED
DISPLAY DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1243

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

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. 28) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation as to certain patent claims based on the withdrawal of the allegations in the complaint as to those claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.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: On February 2, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Solas OLED Ltd. of Dublin, Ireland (“Solas” or “Complainant”). *See* 86 FR 7878-79 (Feb. 2, 2021). The complaint, as amended and supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain active matrix OLED display devices and components thereof by reason of infringement of claims 13-17 of U.S. Patent No. 7,573,068 (“the ’068 patent”) and claims 2-40 of U.S. Patent No. 7,868,880 (“the ’880 patent”). *See id.* The notice of investigation names the following respondents: BOE Technology Group Co., Ltd. and Beijing BOE Display Technology Co., Ltd. of Beijing, China, and BOE Technology America, Inc. of Santa Clara, California (collectively

“BOE”); Samsung Electronics Co., Ltd. of Suwon-si, South Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Display Co., Ltd. of Yongin-si, South Korea. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On October 28, 2021, the Commission partially terminated the investigation as to the BOE respondents. *See* Order No. 23 (Oct. 4, 2021), *unreviewed by* Comm’n Notice (Oct. 28, 2021).

On October 29, 2021, the Commission terminated the investigation as to claims 14-16 of the ’068 patent and claims 12, 13, 15-19, 22-24, 34, 35, and 38-40 of the ’880 patent based on the withdrawal of the allegations in the complaint as to those claims. *See* Order No. 24 (Oct. 5, 2021), *unreviewed by* Comm’n Notice (Oct. 29, 2021).

On November 16, 2021, Complainant filed an unopposed motion for partial termination of the investigation as to claims 3-5, 7-9, 11, 20, 21, 25-29, 31-33, 36, and 37 of the ’880 patent based on the withdrawal of the allegations in the complaint as to those claims. No response to the motion was filed.

On November 16, 2021, the ALJ issued the subject ID (Order No. 28) granting the motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the ID notes that Complainant represents that “[t]here are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” *See* ID at 1. In addition, the ID finds “no extraordinary circumstances that would prevent the requested partial termination of this Investigation.” *See id.* at 2.

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID. Claims 3-5, 7-9, 11, 20, 21, 25-29, 31-33, 36, and 37 of the ’880 patent are terminated from the investigation.

The Commission’s vote for this determination took place on December 14, 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: December 14, 2021