

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
SEMICONDUCTOR DEVICES, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1340

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TO WITHDRAW THE COMPLAINT AND SUSPEND
THE PROCEDURAL SCHEDULE WITH RESPECT TO THE ACER RESPONDENTS**

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. 24) terminating the investigation respect to Acer, Inc. of New Taipei City, Taiwan and Acer America Corporation of San Jose, California (collectively, “the Acer Respondents”) based on withdrawal of the complaint.

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: On November 14, 2022, the Commission instituted this investigation based on a complaint, as amended, filed on behalf of Bell Semiconductor, LLC of Bethlehem, Pennsylvania (“Bell”). 87 FR 68192-93 (Nov. 14, 2022). The complaint, as amended and supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, sale for importation, or sale within the United States after importation of certain electronic devices, semiconductor devices, and components thereof that infringe one or more asserted claims of U.S. Patent Nos. 7,231,626 and 7,260,803. *Id.* at 68193. The complaint alleges that a domestic industry exists. *Id.* at 68192.

The Commission’s notice of investigation names as respondents the Acer Respondents; NXP Semiconductors, N.V. of Eindhoven, Netherlands; NXP B.V. of Eindhoven, Netherlands; NXP USA, Inc. of Austin, Texas; SMC Networks, Inc. of Irvine, California; Micron Technology,

Inc. (“Micron”) of Boise, Idaho; NVIDIA Corporation (“NVIDIA”) of Santa Clara, California; Advanced Micro Devices, Inc. (“AMD”), both of Santa Clara, California; Infineon Technologies AG of Neubiberg, Germany and Infineon Technologies America Corp. of Milpitas, California (“Infineon”); Motorola Mobility LLC (“Motorola”) of Chicago, Illinois; Western Digital Technologies, Inc. (“WDT”) of San Jose, California. The Office of Unfair Import Investigations (“OUII”) is also participating as a party in this investigation. *Id.* at 68193.

On March 16, 2023, the Commission terminated the investigation with respect to Micron, NVIDIA, AMD, Infineon, Motorola, and WDT based on two settlement agreements. Order No. 15 (Feb. 14, 2023), *unreviewed by Comm’n Notice* (March 16, 2023).

On March 24, 2023, Bell filed an unopposed motion to terminate the investigation and suspend the procedural schedule with respect to the Acer Respondents based on withdrawal of the complaint, pursuant to Commission Rule 210.21(a) (19 C.F.R. § 210.21(a)). On March 28, 2023, OUII filed a response in support of the motion.

On March 30, 2023, the presiding ALJ issued the subject ID (Order No. 24) granting the motion and terminating the investigation as to the Acer Respondents based on withdrawal of the complaint as to those respondents. The ID finds that the motion meets the requirements of Commission Rule 210.21(a), in that there are no other agreements, written or oral, express or implied, between Bell and the Acer Respondents concerning the subject matter of the investigation. Order No. 24 at 1. The ALJ further found no extraordinary circumstances that would prevent granting the requested motion. *Id.* at 2. The ALJ also suspended the procedural schedule with respect to the Acer Respondents pending final disposition by the Commission. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. The Acer Respondents are hereby terminated from this investigation.

The Commission vote for this determination took place on April 19, 2023.

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: April 19, 2023