

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN GRAPHICS PROCESSING
CHIPS, SYSTEMS ON A CHIP, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-941

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for the completion of this investigation to June 2, 2016.

FOR FURTHER INFORMATION, CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, (202) 205-2000. General information concerning the Commission may also be obtained at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 30, 2014, based on a complaint filed by Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea; and Samsung Austin Semiconductor, LLC of Austin, Texas (collectively, Complainants). 79 *Fed. Reg.* 78477-78 (Dec. 30, 2014). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics processing chips (GPUs), systems on a chip (SoCs), and products containing the same by reason of infringement of one or more of claims 1-4, 6, and 19-21 of U.S. Patent No. 6,147,385 (the '385 patent); claim 10 of U.S. Patent No. 6,173,349 (the '349 patent); claims 1, 2, 4, 19, 20, and 22 of U.S. Patent No. 7,056,776 (the '776 patent); and claims 1-3, 7-9, 12-15, 17, and 19 of U.S. Patent No. 7,804,734 (the '734 patent). *Id.* The notice of investigation named as respondents NVIDIA Corporation (NVIDIA) of Santa Clara, California; Biostar Microtech International Corp. of New Taipei, Taiwan; Biostar Microtech U.S.A. Corp. of City of Industry,

California; Elitegroup Computer Systems Co. Ltd. of Taipei, Taiwan; Elitegroup Computer Systems, Inc. of Newark, California; EVGA Corp. of Brea, California; Fuhu, Inc. of El Segundo, California; Jatou Corp. of Fremont, California; Mad Catz, Inc. of San Diego, California; OUYA, Inc. of Santa Monica, California; Sparkle Computer Co., Ltd. of New Taipei City, Taiwan; Toradex, Inc. of Seattle, Washington; Wikipad, Inc. of Westlake Village, California; ZOTAC International (MCO) Ltd of New Territories, Hong Kong; and ZOTAC USA, Inc. of Chino, California (collectively, Respondents). *Id.* The Office of Unfair Import Investigations (OUII) is also a party to this investigation. *Id.*

On May 1, 2015, the Commission determined not to review an initial determination terminating the investigation as to respondent Wikipad, Inc. Order No. 6 (Apr. 1, 2015), *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Wikipad, Inc. Based on a Consent Order Stipulation, Consent Order, and Settlement Agreement; Issuance of Consent Order (May 1, 2015). On July 1, 2015, the Commission determined not to review an initial determination terminating the investigation with respect to the ‘776 patent. Order No. 9 (June 9, 2015), *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation with Respect to U.S. Patent No. 7,056,776 (July 1, 2015). On August 13, 2015, the Commission determined not to review an initial determination finding that the economic prong of the domestic industry requirement has been satisfied. Order No. 12 (July 16, 2015), *unreviewed*, Notice of a Commission Determination Not to Review an Initial Determination That the Economic Prong of the Domestic Industry Requirement Has Been Satisfied (Aug. 13, 2015). On September 17, 2015, the Commission determined not to review (1) an initial determination terminating the investigation as to claims 19-21 of the ‘385 patent and claims 7-9, 12-15, 17, and 19 of the ‘734 patent; and (2) an initial determination terminating the investigation as to respondent ZOTAC International (MCO) Ltd. Order No. 23 (Aug. 26, 2015) and Order No. 25 (Aug. 26, 2015), *unreviewed*, Notice of Commission Decision Not to Review Two Initial Determinations That Terminated the Investigation as to Certain Asserted Patent Claims and as to One Respondent (Sept. 17, 2015).

On December 22, 2015, the ALJ issued his final initial determination (ID). Regarding the ‘385 patent, the ID concludes: (1) the accused products infringe claims 1–4 and 6, ID at 61-91; (2) there is a domestic industry, *id.* at 93–108; (3) claims 1–4 and 6 are not invalid for anticipation, obviousness, or lack of written description, *id.* at 114–64; and (4) NVIDIA’s Tegra X1 chip is outside the scope of the investigation. *Id.* at 91–93. Regarding the ‘349 patent, the ID concludes: (1) certain accused products infringe claim 10, *id.* at 198-235; (2) there is a domestic industry, *id.* at 235–52; and (3) claim 10 is not invalid for anticipation, obviousness, or lack of written description, *id.* at 253–74. Regarding the ‘734 patent, the ID concludes: (1) certain accused products infringe claims 1 and 3, *id.* at 307–35; (2) there is a domestic industry, *id.* at 336–48; and (3) claims 1 and 3 are not invalid for anticipation or obviousness. *Id.* at 348–77.

On January 4, 2016, Respondents and OUII filed petitions for review of the ID. On January 5, 2016, the ALJ issued his recommended determination on remedy and bonding (RD). On January 12, 2016, Complainants and OUII filed responses to the petitions. On February 24, 2016, the Commission determined to review only the ALJ’s conclusion that the Tegra X1 chip is outside the scope of the investigation; whether Complainants met their burden of proof regarding

infringement of Respondents' AP20 products, and some of the petitioned issues related to the '734 patent. 81 *Fed. Reg.* 10654–55 (Mar. 1, 2016). On March 7, 2016, the parties filed written submissions on the issues under review and remedy, the public interest, and bonding. On March 14, 2016, the parties filed reply submissions.

The Commission is extending the target date for the completion of this investigation to June 2, 2016 to allow the parties to finalize settlement papers and prepare and file appropriate motions to terminate the investigation based on settlement.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: May 2, 2016