

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 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. 65) issued by the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to partially terminate the investigation with respect to certain patent claims.

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 respondents: MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; and MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan (collectively, “MediaTek”); LG Electronics Inc.

of Seoul, Republic of Korea; LG Electronics USA, Inc. of Englewood Cliffs, New Jersey (collectively, “LG”); Realtek Semiconductor Corp. of Hsinchu, Taiwan (“Realtek”); Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea; Samsung Electronics America, Inc. of Richfield Park, New Jersey; Samsung Electronics HCME CE Complex Co., Ltd. of Ho Chi Minh City, Vietnam; TCL Corp. 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., Ltd. of Shenzhen, Guangdong, China; TCL King Electrical Appliances (Huizhou) Co., Ltd. of Huizhou, Guangdong, China; TCL MOKA International Ltd. of Sha Tin, New Territories, Hong Kong; and TCL Smart Device (Vietnam) Co., Ltd. of Bac Tan Uyen District, Binh Duong Province, Vietnam (all collectively, “Respondents”). *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On February 1, 2021, the Commission partially terminated the investigation due to the withdrawal of certain claims of the ’297 patent, ’486 patent, ’141 patent, and ’749 patent. Order No. 25 (Jan. 15, 2021), *unreviewed by* Comm’n Notice (Feb. 1, 2021). On February 22, 2021, the Commission partially terminated the investigation with respect to MediaTek due to a settlement agreement. Order No. 37, *unreviewed by* Comm’n Notice (March 12, 2021). On March 15, 2021, the Commission partially terminated the investigation due to the withdrawal of certain additional claims of the ’297 patent. Order No. 34 (Feb. 19, 2021), *unreviewed by* Comm’n Notice (March 15, 2021). On May 10, 2021, the Commission partially terminated the investigation due to the withdrawal of certain additional claims of the ’297 patent, ’141 patent, ’486 patent, and ’749 patent. Order No. 49 (April 21, 2021), *unreviewed by* Comm’n Notice (May 10, 2021).

On June 17, 2021, DivX filed an unopposed motion for partial termination of the investigation based upon withdrawal of the following: (a) claim 14 of the ’297 patent; (b) claims 1, 2, 6, 7, and 11 of the ’141 patent; and (c) claims 2, 4, and 10 of the ’486 patent.

On June 28, 2021, the presiding ALJ issued the subject ID (Order No. 65) granting DivX’s unopposed motion. Order No. 65 at 1 (June 28, 2021). 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 extraordinary circumstances that would warrant denial of DivX’s motion and no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. *Id.* at 2.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The following claims are hereby terminated from this investigation: (a) claim 14 of the ’297 patent; (b) claims 1, 2, 6, 7, and 11 of the ’141 patent; and (c) claims 2, 4, and 10 of the ’486 patent.

The Commission voted to approve this determination on July 28, 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', enclosed within a large, loopy circular flourish.

Lisa R. Barton
Secretary to the Commission

Issued: July 28, 2021