

**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 A COMMISSION DETERMINATION TO GRANT RESPONDENTS'
PETITION FOR RECONSIDERATION; ISSUANCE OF CORRECTED COMMISSION
OPINION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to grant respondents’ petition for reconsideration, and to issue a corrected Commission opinion.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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: The Commission instituted the present investigation on October 22, 2020, based on a complaint and supplement thereto filed by Koninklijke Philips N.V. of Eindhoven, Netherlands and Philips North America LLC of Cambridge, Massachusetts (collectively, “Philips”). 85 FR 67373–74 (Oct. 22, 2020). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation, sale for importation, and sale in 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 alleged that an industry in the United States exists or is in the process of being

established, as required by section 337. *Id.* The notice of investigation named the following respondents: Dell Technologies Inc. of Round Rock, Texas and Dell Inc. of Round Rock, Texas (together “Dell”); Hisense Co. Ltd. of Qingdao, China, Hisense Visual Technology Co., Ltd. of Qingdao, China, Hisense Electronics Manufacturing Company of America Corporation of Suwanee, Georgia, Hisense USA Corporation of Suwanee, Georgia, Hisense Import & Export Co. Ltd. of Qingdao, China, Hisense International Co., Ltd. of Qingdao, China, Hisense International (HK) Co., Ltd. of Sheung Wan, Hong Kong (SAR), and Hisense International (Hong Kong) America Investment Co., Ltd. of Sheung Wan, Hong Kong (SAR) (together, “Hisense”); HP, Inc. of Palo Alto, California (“HP”); Lenovo Group Ltd. of Quarry Bay, Hong Kong (SAR) and Lenovo (United States), Inc. of Morrisville, North Carolina (together, “Lenovo”); LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics USA, Inc. of Englewood Cliffs, New Jersey (together “LG”); TCL Industries Holdings Co., Ltd., of Guangdong, China, TCL Electronics Holdings Ltd. of Hong Kong Science Park, Hong Kong (SAR), TCL King Electrical Appliances (Huizhou) Co. Ltd. of Huizhou, China, TTE Technology, Inc. of Corona, California, TCL Moka International Ltd. of Sha Tin, Hong Kong, TCL Moka Manufacturing S.A. de C.V. of Tijuana, Mexico, TCL Smart Device (Vietnam) Company Ltd. of Binh Duong, Vietnam (together “TCL”); MediaTek Inc. of Hsinchu, Taiwan and MediaTek USA Inc. of San Jose, California (together “MediaTek”); Realtek Semiconductor Corp. of Hsinchu, Taiwan (“Realtek”); and Intel Corporation of Santa Clara, California (“Intel”). *Id.* at 67374. The Office of Unfair Import Investigations (“OUII”) is participating in the investigation. *Id.*

During the course of the investigation, Philips moved to terminate the investigation as to various claims, patents, and respondents, including LG and MediaTek. *See* Order No. 19, *unreviewed by* Comm’n Notice (Apr. 15, 2021), Order No. 21, *unreviewed by* Comm’n Notice (May 12, 2021), Order No. 26, *unreviewed by* Comm’n Notice (Jun 21, 2021), Order 32, *unreviewed by* Comm’n Notice (July 26, 2021), Order No. 40, *unreviewed by* Comm’n Notice (Aug. 2, 2021), and Order No. 46, *unreviewed by* Comm’n Notice (Aug. 10, 2021). The Respondents that remained in the investigation were Dell, Hisense, HP, Lenovo, TCL, Realtek, and Intel (together, “the Respondents”). The asserted claims that remained at issue at the time of the ID were: claims 1, 9, 11, 12, and 14 of the ’186 patent; and claims 1, 18, 19, 21, and 25 of the ’564 patent.

On October 21, 2021, the ALJ issued an initial determination (“ID”) finding that no violation of section 337 had occurred. On December 20, 2021, the Commission determined to review the ID in part. 86 FR 73316-18 (Dec. 27, 2021).

On March 23, 2022, the Commission made its final determination in this investigation, finding that no violation of section 337 had occurred. 87 FR 18039-40 (Mar. 29, 2022). The Commission issued a Commission Opinion accompanying its final determination and terminated the investigation.

On April 4, 2022, Respondents Intel, Dell, Lenovo, and HP filed a petition for reconsideration. The petition requests that the Commission correct an erroneous statement on

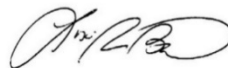
page 9 of its March 23, 2022, Opinion that had no impact on the substance of the Commission’s determination. Pet. at 2 (noting the erroneous statement: “The parties do not appear to challenge these constructions but argue that some of the constructions were not applied consistently.”). Philips and OUII did not file a response to the petition.

The Commission has determined to grant the petition for reconsideration and to issue a corrected Commission Opinion, which is issued concurrently herewith. The following statement has been substituted on page 9 of the Corrected Commission Opinion: “Respondents challenged these constructions in part and argued that some of the constructions were not applied consistently.”

The Commission vote for this determination took place on April 25, 2022.

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 25, 2022