

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INTEGRATED CIRCUIT
PRODUCTS AND DEVICES
CONTAINING THE SAME**

Inv. No. 337-TA-1295

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AND, ON REVIEW,
AFFIRM AN INITIAL DETERMINATION GRANTING IN PART RESPONDENT
REALTEK SEMICONDUCTOR CORPORATION'S MOTION TO DECLASSIFY
DOCUMENTS DESIGNATED CONFIDENTIAL BUSINESS INFORMATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and, on review, affirm the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 16), granting in part Respondent Realtek Semiconductor Corp.'s ("Realtek") motion to declassify documents designated confidential business information ("CBI").

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. 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 this investigation on January 31, 2022, based on a complaint, as supplemented, filed on behalf of Future Link Systems, LLC ("Future Link") of Santa Clara, California. 87 FR 4915 (Jan. 31, 2022). The complaint, as supplemented, alleges 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, the sale for importation, and the sale within the United States after importation of certain integrated circuit products and devices containing the same that infringe one or more of claims 1-6 of U.S. Patent No. 7,685,439 and claims 1-9 of U.S. Patent No. 8,099,614. *Id.* at 4916. The complaint also alleges the existence of a domestic industry. *Id.* The Commission's notice of investigation names seventeen respondents: Advanced Micro Devices, Inc. of Santa Clara, CA; Apple, Inc. of Cupertino, CA; Broadcom Inc. of San Jose, CA; Broadcom Corp. of San Jose, CA; Qualcomm

Inc. of San Diego, CA; Qualcomm Technologies Inc. of San Diego, CA; Amlogic Holdings Ltd. of Cayman Islands; Amlogic (CA) Co., Inc. of Santa Clara, CA; Realtek of Taiwan; Dell Technologies Inc. of Round Rock, TX; HP INC. of Palo Alto, CA; Acer Inc. of Taiwan; Acer America Corp. of San Jose, CA; Lenovo Group Ltd. of Hong Kong, China; Lenovo (United States) Inc. of Morrisville, NC; Motorola Mobility LLC of Chicago, IL; and Google LLC of Mountain View, CA. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On April 28, 2022, complainant Future Link filed a motion to terminate the investigation as to respondent Realtek based on withdrawal of the complaint. Thereafter, on May 6, 2022, Future Link filed a motion to terminate the investigation as to all remaining respondents other than Realtek based on settlement. On May 31, 2022, the ALJ issued an ID (Order No. 17), granting Future Link’s motions to terminate. On June 9, 2022, the Commission determined not to review Order No. 17 and the investigation was terminated in its entirety. *See* Comm’n Notice (June 9, 2022).

On May 3, 2022, Realtek filed a motion to declassify portions of a confidential license agreement between Future Link and MediaTek or alternatively for relief from the administrative protective order. On May 12, 2022, OUII and Future Link filed responses opposing Realtek’s motion to declassify. On May 20, 2022, Realtek filed a motion for leave to file a reply in support of its motion to declassify, which was partially opposed by OUII and to which Future Link filed an opposition.

On May 31, 2022, the ALJ issued the subject ID (Order No. 16) granting in part Realtek’s motion to declassify and granting Realtek’s motion for leave. In particular, the ID grants Realtek’s request to declassify the cover page of the license agreement and denies Realtek’s request to declassify other portions of the license agreement and its alternative request for relief from the administrative protective order.

On June 6, 2022, Realtek filed a petition for review of the ID. On June 14, 2022, OUII and Future Link filed separate responses to Realtek’s petition.

Having reviewed the record of the investigation, including the ID, Realtek’s petition, and the responses thereto, the Commission has determined to review the ID. On review, the Commission affirms the ID’s determination to declassify only the cover page of the license agreement because Future Link satisfied its burden in showing the other portions of the license agreement are confidential under Commission Rule 201.6(a), 19 CFR 201.6(a). Realtek did not establish that any portion of the license agreement is unlawful and, thus, the Commission need not decide at this time whether it may disclose an otherwise confidential provision in an agreement that is found unlawful.

The Commission vote for this determination took place on July 14, 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.

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: July 14, 2022