

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 II**

Investigation No. 337-TA-1297

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION BASED ON SETTLEMENT; TERMINATION 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 not to review an initial determination (“ID”) (Order No. 13) issued by the presiding administrative law judge (“ALJ”) on May 10, 2022, granting a joint motion to terminate the investigation based on settlement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., 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: On February 3, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by DivX, LLC of San Diego, California (“DivX”). 87 FR 6200-01 (Feb. 3, 2022). The complaint alleged a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 8,832,297 and 8,472,792. The complaint also alleged the existence of a domestic industry. The notice of investigation named as respondents: TCL Technology Group Corporation of Huizhou, Guangdong, China; TCL

Electronics Holdings Limited of Shenzhen, Guangdong, China; TTE Technology, Inc. of Shenzhen, Guangdong, China; TCL King Electrical Appliances (Huizhou) Co. Ltd. of Huizhou, Guangdong, China; TCL MOKA International Limited of Sha Tin, New Territories, Hong Kong; and TCL Smart Device (Vietnam) Co., Ltd. of Tan Binh Commune, Bae Tan Uyen District, Binh Duong Province, Vietnam (collectively, “TCL”). *Id.* at 6201. The Commission’s Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On February 25, 2022, the ALJ issued Order No. 9 granting a motion to intervene of Amazon.com, Inc. (“Amazon”). Order No. 9 (Feb. 25, 2022), *unreviewed by Comm’n Notice* (Mar. 18, 2022).

On April 26, 2022, complainant DivX and respondents TCL (together, the “Moving Parties”) filed a joint motion (the “Motion”) to terminate the investigation based on settlement. They represent that intervenor Amazon does not oppose the motion. Motion at 5.

On May 10, 2022, the ALJ issued the subject ID (Order No. 13) granting the motion. The ID found that, consistent with Commission Rule 210.21(b)(1), the Moving Parties attached a copy of the signed settlement and license agreement between DivX and TCL (the “Settlement Agreement”) as Exhibit A, with a redacted version of the Settlement Agreement attached as Exhibit B. ID at 2. The ID noted that the Moving Parties submit that the Settlement Agreement resolves all of the issues in dispute in this Investigation. *Id.* (citing Motion at 1-2). The ID also found that, in further compliance with Commission Rule 210.21(b)(1), the Motion contains a statement that “there are no other agreements, written or oral, express or implied, between the Private Parties concerning the subject matter of this Investigation.” *Id.* (citing Motion at 2). The ID further found that termination of this investigation by settlement will not adversely affect the public interest. *Id.* (citing 19 CFR 210.50(b)(2)).

The Commission has determined not to review the ID. The investigation has been terminated in its entirety based on settlement.

The Commission vote for this determination took place on June 1, 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: June 1, 2022