

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN GRAPHICS SYSTEMS,
COMPONENTS THEREOF, AND DIGITAL
TELEVISIONS CONTAINING THE SAME**

Investigation No. 337-TA-1318

**NOTICE OF COMMISSION DETERMINATION TO REVIEW, AND ON REVIEW, TO
AFFIRM AN INITIAL DETERMINATION GRANTING COMPLAINANTS'
UNOPPOSED MOTION FOR SUMMARY DETERMINATION THAT THE
ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT IS
SATISFIED**

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, to affirm an initial determination (“ID”) (Order No. 62) of the presiding administrative law judge (“ALJ”) granting complainants’ unopposed motion for summary determination that the economic prong of the domestic industry requirement is satisfied as to the asserted patents.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 7, 2022, based on a complaint filed by Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Ontario, Canada (together, “AMD”). 87 FR 34718-19 (June 7, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on certain graphics systems, components thereof, and digital televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,742,053 (“the ’053 patent”); 8,760,454 (“the ’454 patent”); 11,184,628 (“the ’628

patent”); 8,468,547 (“the ’547 patent”); and 8,854,381 (“the ’381 patent”). *Id.* at 34718. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named 14 respondents: TCL Industries Holdings Co. of Guangdong, China; TCL Industries Holdings (H.K.) Ltd., Hong Kong, China; TCL Electronics Holdings Ltd. f/k/a TCL Multimedia Technology Holdings, Ltd. of Hong Kong, China; TCL Technology Group Corporation of Guangdong, China; TTE Corporation of Hong Kong, China; TCL Holdings (BVI) Ltd. of Hong Kong, China; TCL King Electrical Appliances (Huizhou) Co. Ltd. of Guangdong, China; Shenzhen TCL New Technologies Co. Ltd. of Guangdong, China; TCL MOKA International Ltd. of Hong Kong, China; TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; Manufacturas Avanzadas SA de CV of Chihuahua, Mexico; TCL Electronics Mexico of Benito Juarez, Mexico; TCL Overseas Marketing Ltd. of Hong Kong, China; and RealTek Semiconductor Corporation of Hsinchu, Taiwan (collectively, “Respondents”). *Id.* at 34719. The Office of Unfair Import Investigations is not named as a party to this investigation. *Id.*

On August 4, 2022, the Commission determined to terminate the investigation as to the ’454 patent based on AMD’s withdrawal of the allegations in the complaint as to that patent. *See* Order No. 10 (July 14, 2022), *unreviewed by* Comm’n Notice (Aug. 4, 2022). On October 7, 2022, the Commission determined to terminate the investigation as to asserted claims 17-21 of the ’547 patent based on AMD’s withdrawal of the allegations in the complaint as to those claims. *See* Order No. 23 (Sept. 20, 2022), *unreviewed by* 87 FR 62452-53 (Oct. 14, 2022). The Commission subsequently determined to terminate the investigation as to the ’547 patent in its entirety. *See* Order No. 56, *unreviewed by* Comm’n Notice (Feb. 22, 2023).

On January 13, 2023, AMD filed a motion for summary determination that, inter alia, the economic prong of the domestic industry is satisfied as to the ’053, ’628, ’547, and ’381 patents (collectively, the “Remaining Asserted Patents”) under each of subsections (A), (B), and (C) of 19 U.S.C. § 1337(a)(3) through AMD’s own domestic investments and, alternatively, its own and those of its licensees GlobalFoundries U.S. Inc. and Samsung Austin Semiconductor LLC. Mot. at 1. On January 24, 2023, AMD and Respondents filed a stipulation establishing, inter alia, that Respondents do not contest that AMD has satisfied the economic prong in this investigation under 19 U.S.C. § 1337(a)(3)(A) and (B) based on certain investments by AMD in products that it contends are protected by the Remaining Asserted Patents. ID at 2. No responses to AMD’s motion were filed.

On February 6, 2023, the ALJ issued the subject ID granting the motion as it pertains to the economic prong of the domestic industry requirement. The ID finds that the economic prong is satisfied as to the Remaining Asserted Patents under subsections (A) and (B) of 19 U.S.C. § 1337(a)(3) through certain uncontested domestic investments by AMD in equipment and labor, respectively, pertaining to researching and developing the products that AMD contends are protected by the Remaining Asserted Patents. *Id.* at 9-16. No petitions for review of the subject ID were filed.

Having reviewed the record in this investigation, including the subject ID and the parties’ stipulation regarding AMD’s satisfaction of the economic prong, the Commission has

determined to review the subject ID, and on review, to take no position on footnote 2 on page 11 of the subject ID.¹ The Commission has determined to affirm the remainder of the subject ID. The economic prong of the domestic industry requirement is satisfied in this investigation as to the Remaining Asserted Patents. Due to the prior termination of the '547 patent, the ID is moot with respect to that patent.

The Commission vote for this determination took place on March 15, 2023.

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: March 15, 2023

¹ Commissioner Kearns adopts footnote 2 of the ID. Commissioner Kearns notes that it remains an open question to him whether the significance of U.S. investments under Sections 337(a)(3)(A) and (B) should be evaluated in light of all employment of plant and equipment and labor and capital relating to the domestic industry products, including for manufacturing (both foreign and domestic), rather than being limited to a single category like research and development ("R&D"). See *Certain Movable Barrier Operator Systems and Components Thereof*, Inv. No. 337-TA-1118, Separate Views of Chair Kearns Regarding Economic Prong Issues (Jan. 12, 2021). In affirming the ID's finding of a domestic industry under Section 337(a)(3)(A) and (B) here, he finds that, given the importance of R&D to the inventions at issue and the share of R&D occurring in the United States, and the parties' stipulation regarding AMD's satisfaction of the economic prong, it is unlikely that information on other types of investments would cause him to question the existence of a domestic industry here.