

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING
DEVICES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1323

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION IN PART AS
TO CERTAIN CLAIMS OF THE ASSERTED PATENTS**

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) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation in part as to certain claims of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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 August 8, 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 VideoLabs, Inc. of Palo Alto, California (“VideoLabs”). 87 FR 48198-99 (Aug. 8, 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 and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,769,238; 8,139,878; 8,208,542; and 7,372,452 (“the ’452 patent”). *Id.* at 48198. The complaint also alleged the existence of a domestic industry.

The notice of investigation named as respondents the following entities: Acer Inc. BF of New Taipei City, Taiwan; Acer America Corporation of San Jose, California; ASUSTeK

Computer Inc. of Taipai, Taiwan; ASUS Computer International of Fremont, California; Lenovo Group Limited of Quarry Bay, Hong Kong S.A.R. of China; Lenovo (United States) Inc. of Morrisville, North Carolina; Micro-Star International Co., Ltd. of New Taipei City, Taiwan; Motorola Mobility LLC of Chicago, Illinois; and MSI Computer Corp. of City of Industry, California (collectively, “Respondents”). *Id.* The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

On September 2, 2022, VideoLabs filed a motion to withdraw the ’452 patent from the investigation in its entirety (“Mot.”). Mot. at 1. The motion represents that Respondents and OUII do not oppose the Motion. *Id.*

On September 7, 2022, the ALJ issued the subject ID (Order No. 13) granting the motion. The ID noted that, in accordance with Commission Rule 210.21(a)(1), 19 CFR 210(a)(1), VideoLabs represents that “there are no agreements, written or oral, express or implied between VideoLabs and the Respondents parties concerning the subject matter of the Investigation.” ID at 2 (citing Mot. at 2). The ID found that no extraordinary circumstances prevent terminating the ’452 patent from this investigation, and that the termination of this patent from this investigation is in the public interest, as public and private resources will be conserved. *Id.* at 2-3 (citing *Certain Power Supplies*, Inv. No. 337-TA-646, Order No. 18 (Jan. 5, 2009), *unreviewed by Comm’n Notice* (Jan. 29, 2009)). No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Accordingly, the ’452 patent has been terminated in its entirety from this investigation.

The Commission vote for this determination took place on September 26, 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.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: September 26, 2022