

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

In the Matter of

**CERTAIN ELECTRONIC DIGITAL
MEDIA DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-796

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION (1) DENYING RESPONDENTS' MOTION FOR PARTIAL
RETURN OF BONDS AND (2) DENYING COMPLAINANT'S MOTION FOR
FORFEITURE OF BONDS**

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 the presiding administrative law judge's ("ALJ") initial determination (Order No. 29) denying respondents' motion for partial return of bonds and denying complainant's motion for forfeiture of bonds.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, 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 are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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 August 5, 2011, based on a complaint filed by Apple Inc. ("Apple") of Cupertino, California. *76 Fed. Reg.* 47610 (Aug. 5, 2011). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic digital media devices and components thereof by reason of infringement of certain claims of U.S. Patent

Nos. 7,479,949 (“the ’949 patent”); RE 41,922 (“the ’922 patent”); 7,863,533 (“the ’533 patent”); 7,789,697 (“the ’697 patent”); 7,912,501 (“the ’501 patent”); D558,757 (“the D’757 patent”); and D618,678 (“the D’678 patent”). The complaint further alleges the existence of a domestic industry. The respondents named in the Commission’s notice of investigation are Samsung Electronics Co, Ltd. of the Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (“SEA”); and Samsung Telecommunications America, LLC of Richardson, Texas (“STA”) (collectively, “Samsung”). A Commission investigative attorney (“IA”) participated in the investigation.

On October 24, 2012, the ALJ issued his final ID in this investigation finding a violation of section 337 in connection with certain asserted claims of the D’678, the ’949, the ’922, and the ’501 patents. On January 23, 2013, the Commission determined to review the final ID in its entirety, and remand the investigation to the ALJ with respect to certain issues related to the ’922 patent and the ’501 patent. 78 *Fed. Reg.* 6130 (Jan. 29, 2013). On March 26, 2013, the ALJ issued a remand ID finding that claims 34 and 35 of the ’922 patent are infringed by the text-selection feature of the accused products and that claim 3 of the ’501 patent is not infringed by the accused products represented by the Transform SPH-M920. On May 28, 2013, the Commission determined to review the RID in its entirety.

On August 9, 2013, the Commission determined that Apple had proven a violation of section 337 based on articles that infringe claims 1, 4-6, 10, and 17-20 of the ’949 patent and claims 1-4 and 8 of the ’501 patent, but that Apple had not proven a violation based on alleged infringement of the D’678, the D’757, the ’922, and the ’697 patents. The Commission issued a limited exclusion order prohibiting Samsung from importing certain electronic digital media devices that infringe one or more of claims 1, 4-6, 10, and 17-20 of the ’949 patent and claims 1-4 and 8 of the ’501 patent. *See Comm’n Op.* at 107 (Aug. 9, 2013). The Commission also issued cease and desist orders prohibiting SEA and STA from further importing, selling, and distributing articles that infringe one or more of claims 1, 4-6, 10, and 17-20 of the ’949 patent and claims 1-4 and 8 of the ’501 patent in the United States. *Id.* at 107, 135-36. The Commission set a bond of 1.25 percent of the entered value during the period of Presidential review. *Id.* at 136.

On August 12, 2013, STA and SEA each posted a bond with the Commission. On October 9, 2013, the United States Trade Representative issued a notice determining not to disapprove of the Commission’s remedial orders.

On December 23, 2013, Samsung filed a motion for partial return of its bonds. On January 6, 2014, Apple filed a motion for forfeiture of bonds and opposition to Samsung’s motion for partial return of its bonds. On January 7, 2014, the IA filed a response to Samsung’s motion for partial return of its bonds. On January 13, 2014, Samsung and the IA each filed a response to Apple’s motion for forfeiture of bonds.

On January 17, 2014, the ALJ issued Order No. 29 denying both motions. This Order constitutes an initial determination under Commission rule 210.50(d)(3), 19 C.F.R. § 210.50(d)(3). No party petitioned for review of Order No. 29, and the Commission has determined not to review it.

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 C.F.R. 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
Acting Secretary to the Commission

Issued: March 5, 2014