

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OPTICAL DISC DRIVES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-897

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTIONS TO PARTIALLY
TERMINATE THE INVESTIGATION AS TO CERTAIN 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 94) granting the motions of complainant Optical Devices, LLC of Peterborough, New Hampshire ("Optical") to partially terminate the above-referenced investigation as to certain patents.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 October 25, 2013, based on a Complaint filed by Optical, as supplemented. *78 Fed. Reg.* 64009-10 (Oct. 25, 2013). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain optical disc drives, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,904,007 ("the '007 patent"); 7,196,979 ("the '979 patent"); 8,416,651 ("the '651 patent"); RE40,927 ("the '927 patent"); RE42,913; and RE43,681. The Complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named as respondents Lenovo Group Ltd. of Quarry Bay, Hong Kong and Lenovo

(United States) Inc., of Morrisville, North Carolina (collectively “Lenovo”); LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively “LG”); Nintendo Co., Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington (collectively “Nintendo”); Panasonic Corp. of Osaka, Japan and Panasonic Corporation of North America of Secaucus, New Jersey (collectively “Panasonic”); Samsung Electronics Co., Ltd. of Seoul, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively “Samsung”); Toshiba Corporation of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California (collectively “Toshiba”); and MediaTek, Inc. of Hsinchu City, Taiwan and MediaTek USA Inc. of San Jose, California (collectively “MediaTek”). The Office of Unfair Import Investigations was not named as a party to the investigation.

On July 17, 2014, the ALJ issued the subject ID granting Optical’s unopposed motions to partially terminate the investigation with respect to the following allegations: (1) the application of the ’007, ’979, and ’651 patents in their entirety to Nintendo, Lenovo, and LG; (2) the application of the ’007 patent in its entirety to Samsung; (3) the application of the ’007 patent in its entirety and claims 17, 21, 25, 29, 31, and 36 of the ’651 patent to MediaTek’s optical disc drive controller chips and Respondents’ products containing such chips; (4) claim 39 of the ’927 patent; (5) claim 14 of the ’979 patent; (6) claim 16 of the ’007 patent; and (7) the application of the ’007, ’979, and ’651 patents in their entirety to Respondents’ products containing certain third-party optical disc drive controller chips, including the following: (a) Samsung’s products that include the Sunext or ESS optical disc drive controller chips; (b) Panasonic’s products that include the Zoran, Renesas, or Sunplus optical disc drive controller chips; (c) LG’s products that include Broadcom, MCS Logic, Sony, Renesas, or Sunplus optical disc drive controller chips; and (d) Lenovo’s products that include Renesas optical disc drive controller chips. The ALJ found that the various motions complied with the requirements of section 210.21(a)(1) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.21(a)(1)). The ALJ also found that there are no extraordinary circumstances that would prevent the requested terminations and that granting the motions would not be contrary to the public interest.

The ALJ declined to address the requests by certain respondents to specifically exclude their products in any future remedial order, finding that the issue is not ripe since there has been no finding of violation of section 337. The ALJ also declined to address LG’s request that Optical be required to pay certain of LG’s fees and costs because LG’s request for sanction has not been brought by motion and Optical has not had an opportunity to respond to LG’s allegations in accordance with section 210.4 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4).

No petitions for review of the subject ID were filed.

The Commission has determined not to review the ID.

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". The signature is fluid and cursive, with the first name "Lisa" and the last name "Barton" clearly distinguishable.

Lisa R. Barton
Secretary to the Commission

Issued: August 8, 2014