

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN TELEVISION SETS,
TELEVISION RECEIVERS,
TELEVISION TUNERS, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-910

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING
SUMMARY DETERMINATION AS TO IMPORTATION OF CERTAIN PRODUCTS**

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. 58) granting a motion for summary determination as to importation of certain products.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 (<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 March 5, 2014, based on a complaint filed by Cresta Technology Corporation, of Santa Clara, California (“CrestaTech”). 79 Fed. Reg. 12526 (Mar. 5, 2014). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 7,075,585 (“the ’585 patent”), 7,265,792 (“the ’792 patent”), and 7,251, 466. *Id.* The notice of investigation, as amended, names several respondents, including Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”); Vizio, Inc.; TPV International (USA), Inc., and Top Victory Investments Ltd. (collectively, “TPV”); and SIO International, Inc. and Hon Hai Precision Industry Co., Ltd. (collectively, “SIO”) (Vizio, Inc., TPV, and SIO are referred collectively

herein as “VIZIO”). The Office of Unfair Import Investigations (OUII) also was named as a party.

On October 2, 2014, Samsung and VIZIO filed a motion for summary determination that their televisions with tuners manufactured by third-party NXP Semiconductors N.V. (“NXP”) do not infringe the ’585 and ’792 patents. On October 10, 2014, OUII filed a response opposing the motion. On October 14, 2014, CrestaTech filed its opposition to the motion. On October 20, 2014, Samsung and VIZIO sought leave to file a reply, which the ALJ granted.

On November 3, 2014, the presiding administrative law judge (“ALJ”) issued Order No. 46, granting Samsung and VIZIO’s motion in part. The ALJ granted summary determination as to VIZIO’s NXP products. The ALJ also granted summary determination in part as to Samsung’s NXP products, setting aside the issue of importation as to those products, and stating that the issue will be decided after hearing.

On November 12, 2014, the ALJ issued Order No. 51, directing CrestaTech to show cause why Samsung and VIZIO’s motion for summary determination with respect to importation of Samsung’s NXP products should not also be granted in light of apparent admissions in CrestaTech’s Pre-Trial Brief. On November 17, 2014, CrestaTech filed a response to the ALJ’s show cause order. CrestaTech did not dispute importation as to Samsung products containing a certain NXP tuner, but disputed that the importation requirement had been met with respect to Samsung products containing another certain NXP tuner. On November 19, 2014, Samsung and VIZIO sought leave to file a reply, which the ALJ granted.

On November 21, 2014, the ALJ issued the subject ID (Order No. 58), granting Samsung and VIZIO’s motion for summary determination as to importation of Samsung products containing NXP tuners.

No petitions for review of the subject ID were filed, and the Commission has determined not to review the subject 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.



Lisa R. Barton
Secretary to the Commission

Issued: December 8, 2014