

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING
DEVICES, COMPONENTS THEREOF,
AND DIGITAL SMART TELEVISIONS
CONTAINING THE SAME**

Investigation No. 337-TA-1222

**[CORRECTED] NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION PARTIALLY TERMINATING THE
INVESTIGATION WITH RESPECT TO CERTAIN RESPONDENTS BASED ON
SETTLEMENT AGREEMENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 69) issued by the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to partially terminate the investigation with respect to the Samsung and LG respondents, as defined below, due to settlement agreements.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“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 October 19, 2020, based on a complaint, as supplemented, filed by DivX, LLC (“DivX”) of San Diego, California. 85 FR 66355 (Oct. 19, 2020). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337, from the importation, sale for importation, or sale in the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of one or more asserted claims of U.S. Patent Nos. 8,832,297; 10,212,486; 10,412,141; and 10,484,749. *Id.* The complaint further alleges the existence of a domestic industry. *Id.*

The Commission’s notice of investigation named numerous respondents, including: Samsung Electronics Co., Ltd. of Gyeonggi-do, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Samsung Electronics HCMC CE Complex Co., Ltd. of Ho Chi Minh City, Vietnam (collectively, “Samsung”); LG Electronics Inc. of Seoul, Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively “LG”); MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan (collectively, “MediaTek”); and Realtek Semiconductor Corp. of Hsinchu, Taiwan (“Realtek”). *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

The Commission previously terminated the investigation with respect to certain asserted patent claims. Order No. 25 (Jan. 15, 2021), *unreviewed by* Comm’n Notice (Feb. 1, 2021); Order No. 34 (Feb. 19, 2021), *unreviewed by* Comm’n Notice (March 15, 2021); Order No. 49 (April 21, 2021), *unreviewed by* Comm’n Notice (May 10, 2021); Order No. 65 (June 28, 2021), *unreviewed by* Comm’n Notice (July 28, 2021). The Commission also partially terminated the investigation as to respondents MediaTek and Realtek. Order No. 37, *unreviewed by* Comm’n Notice (March 12, 2021); Order No. 67 (July 16, 2021), *unreviewed by* Comm’n Notice (Aug. 4, 2021).

On July 28, 2021, DivX filed an unopposed motion to partially terminate the investigation with respect to Samsung and LG due to settlement agreements.

On August 12, 2021, the presiding CALJ issued the subject ID (Order No. 69) granting DivX’s unopposed motion. The subject ID finds that DivX’s unopposed motion complies with the requirements of Commission Rule 210.21(a), (b) (19 CFR 210.21(a), (b)), in that the settlement agreements completely resolve the disputes between DivX and Samsung and LG, and there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. The ID further finds that terminating Samsung and LG serves the public interest by avoiding litigation and conserving public and private resources, and is not contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. The ID also finds there are no extraordinary circumstances that weigh against termination.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. Respondents Samsung and LG are hereby terminated from this investigation.

The Commission voted to approve this determination on September 8, 2021.

The authority for the Commission’s determinations 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a circular flourish.

Lisa R. Barton
Secretary to the Commission

Issued: September 15, 2021