

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR
DEVICES, INTEGRATED CIRCUITS,
AND CONSUMER PRODUCTS
CONTAINING THE SAME**

Inv. No. 337-TA-1149

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C.1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 15, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Innovative Foundry Technologies LLC of Portsmouth, New Hampshire. Letters supplementing the complaint were filed on March 1, 2019; March 8, 2019; and March 13, 2019. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, integrated circuits, and consumer products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,583,012 (“the ’012 patent”); U.S. Patent No. 6,797,572 (“the ’572 patent”); U.S. Patent No. 7,009,226 (“the ’226 patent”); U.S. Patent No. 7,880,236 (“the ’236 patent”); and U.S. Patent No. 9,373,548 (“the ’548 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations or, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2018).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on March 20, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1-11 of the '012 patent; claims 1-7 of the '572 patent; claims 1-9 of the '226 patent; claims 1-18 of the '236 patent; and claims 1-3 of the '548 patent; and whether an industry in the United States exists or in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “(a) semiconductor devices made by TSMC at the 65 nanometer (nm) and smaller technology nodes (*e.g.*, 5-65 nm); (b) integrated circuits incorporating such semiconductor devices; and (c) consumer products containing the same, consisting of smartphones, and televisions”;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Innovative Foundry Technologies LLC
40 Pleasant Street
Suite 208
Portsmouth, NH 03801

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

BBK Communication Technology Co., Ltd.
No. 255, Bubugao Avenue
Wusha, Chang'an Town
Dongguan, Guangdong 523850, China

Vivo Mobile Communication Co., Ltd.
No. 283, Bubu High Avenue
Wusha, Chang'an Town
Dongguan, Guangdong 523850, China

OnePlus Technology (Shenzhen) Co., Ltd.
18F Tairan Building, Block C, Tairan 8th Road
Chegongmiao, Futian District
Shenzhen, Guangdong 518040, China

Guangdong OPPO Mobile Telecommunications Co., Ltd.
No. 18, Wusha Haibin Road
Wusha, Chang'an Town
Dongguan, Guangdong 523850, China

Hisense Electric Co., Ltd.
Hisense Tower
17 Donghaixi Road
Qingdao 266071, China

Hisense USA Corporation
7310 McGinnis Ferry Road
Suwanee, GA 30024

Hisense USA Multimedia R & D Center Inc.
7310 McGinnis Ferry Road
Suwanee, GA 30024

TCL Corporation
No. 26, The Third Road, Zhongkai Avenue
Huizhou City, Guangdong 516006, China

TCL Communication, Inc.
25 Edelman, Suite 200
Irvine, CA 92618

TTE Technology, Inc. (d/b/a TCL America)
108 West 13th Street
Wilmington, DE 19801

TCT Mobile (US) Inc.
25 Edelman, Suite 200
Irvine, CA 92618

VIZIO, Inc.
39 Tesla
Irvine, CA 92618

MediaTek Inc.
No. 1, Dusing Road 1
Hsinchu Science Park
Hsinchu City 30078, Taiwan

MediaTek USA Inc.
2840 Junction Avenue
San Jose, CA 95134

Mstar Semiconductor, Inc.
4F-1, No. 26, Tai-Yuan St.
ChuPei City
Hsinchu Hsien 30288, Taiwan

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, CA 92121

Qualcomm Technologies, Inc.
5775 Morehouse Drive
San Diego, CA 92121

Taiwan Semiconductor Manufacturing Company Limited
8, Li Hsin Road 6,
Hsinchu Science Park
Hsinchu City 30078 Taiwan

TSMC North America
2851 Junction Avenue
San Jose, CA 95134

TSMC Technology, Inc.
2851 Junction Avenue
San Jose, CA 95134

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: March 21, 2019