

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING STREAMING PLAYERS,
TELEVISIONS, SET TOP BOXES,
REMOTE CONTROLLERS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1200

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION WITHDRAWING ALLEGATIONS AS TO
CERTAIN PATENT CLAIMS WITH RESPECT TO CERTAIN RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 49) issued by the presiding administrative law judge (“ALJ”), granting an unopposed motion by complainant to partially terminate the investigation by withdrawing all remaining claims of U.S. Patent No. 10,600,317 (“the ’317 patent”) and certain claims of U.S. Patent No. 7,589,642 (“the ’642 patent”) with respect to certain respondents.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 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 (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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 22, 2020, based on a complaint filed by Universal Electronics, Inc. (“UEI”) of Scottsdale, Arizona. 85 FR 31211-212 (May 22, 2020). The complaint, as supplemented, 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, sale for importation, or sale in the United States after importation of certain electronic devices, including streaming players, televisions, set top boxes, remote controllers, and components thereof, by reason of infringement of one of more of the asserted claims of the ’317 patent, the ’642 patent, and U.S. Patent Nos. 7,696,514 (“the ’514 patent”); 9,911,325 (“the ’325 patent”); 10,593,196 (“the ’196 patent”); and 9,716,853 (“the ’853 patent”). *Id.* The complaint also alleges that a domestic industry exists. *Id.*

The Commission’s notice of investigation named the following respondents: Roku Inc. of Los Gatos, California (“Roku”); TCL Electronics Holdings Ltd. of New Territories, Hong Kong; Shenzhen TCL New Technology Co. Ltd. of Shenzhen, China; TCL King Electrical Appliances Co. Ltd., Huizhou, China; TTE Technology Inc. of Corona, California; TCL Corp. of Huizhou City, China; TCL Moka International Ltd. of New Territories, Hong Kong; TCL Overseas Marketing Ltd. of New Territories, Hong Kong; TCL Industries Holdings Co., Ltd. of New Territories, Hong Kong; and TCL Smart Device Co. of Bac Tan Uyen District, Vietnam (collectively, “the TCL Respondents”); Hisense Co. Ltd. of Qingdao, China; Hisense Electronics Manufacturing Co. of America Corp. of Suwanee, Georgia; Hisense Import & Export Co. Ltd. of Qingdao, China; Qingdao Hisense Electric Co., Ltd. of Qingdao, China; and Hisense International Co., Ltd. of Shen Wang, Hong Kong (collectively, “the Hisense Respondents”); and Funai Electric Co., Ltd. of Osaka, Japan; Funai Corp. Inc. of Rutherford, New Jersey; and Funai Co., Ltd. of Nakhon Ratchasima, Thailand (collectively, “the Funai Respondents”) (all respondents are collectively referred to as “Respondents”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On December 23, 2020, the Commission partially terminated the investigation due to withdrawal of the ’853 patent, claims 19 and 20 of the ’196 patent, and claims 14 and 20 of the ’642 patent. Order No. 27 (Dec. 2, 2020), *unreviewed by* Comm’n Notice (Dec. 23, 2020). The Commission subsequently terminated the investigation with respect to claim 20 of the ’514 patent. Order No. 32 (Dec. 21, 2020), *unreviewed by* Comm’n Notice (Jan. 5, 2021). On January 13, 2021, the Commission amended the notice of institution of the investigation to clarify that claims 2 and 4-5 of the ’196 patent are only domestic industry claims and are not being asserted against any Respondent for infringement purposes. Order No. 33 (Dec. 29, 2020), *unreviewed by* Comm’n Notice (Jan. 13, 2021). On January 21, 2021, the Commission partially terminated the investigation due to withdrawal of all asserted claims of the ’317 patent, claim 6 of the ’514 patent, and claims 1, 3, 4, 6, 12 and 19 the ’642 patent with respect to the Funai Respondents. Order No. 34 (Jan. 4, 2021), *unreviewed by* Comm’n Notice (Jan. 21, 2021). On February 19, 2021, the Commission partially terminated the investigation due to withdrawal of all asserted claims of the ’325 patent and the ’514 patent, claims 1, 2, 4, 5, 7, 8, and 10 of the ’317 patent, and claim 25 of the ’642 patent against all Respondents, and claim 12 of the ’642 patent against the TCL Respondents and the Hisense Respondents. Order No. 44 (Feb. 2, 2021), *unreviewed by* Comm’n Notice (Feb. 19, 2021).

On February 18, 2021, the Commission determined not to review an ID (Order No. 38) granting summary determination that claim 19 of the ’642 patent is practiced by certain domestic industry products and infringed by the “Elk” series of accused products. Order No. 38 (Jan. 19, 2021), *unreviewed by* Comm’n Notice (Feb. 18, 2021). On February 24, 2021, the Commission determined not to review an initial determination entering summary determination that the technical prong of the domestic industry requirement is satisfied for claims 1-3, 5-8, and 16 of the ’325 patent. Order No. 41 (Jan. 25, 2021), *unreviewed by* Comm’n Notice (Feb. 24, 2021).

On February 24, 2021, the Commission determine to review an ID (Order No. 40) and to reverse the ID’s finding that UEI lacks standing to assert the ’196 patent in this investigation as

legally erroneous, on that basis that Roku failed to establish that UEI is barred from asserting the '196 patent in this investigation. Order No. 40 (Jan. 25, 2021), *reviewed and reversed*, Comm'n Notice (Feb. 24, 2021).

On February 8, 2021, UEI moved to partially terminate the investigation by withdrawing all remaining asserted claims of the '317 patent and claims 1, 3, 4, and 6 of the '642 patent against the TCL Respondents and the Hisense Respondents. The motion was unopposed.

On February 9, 2021, the ALJ issued the subject ID (Order No. 49) granting UEI's unopposed motion. The subject ID finds that UEI's motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) in that there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. Order No. 49, at 1-2 (Feb. 9, 2021). The subject ID further finds no extraordinary circumstances that would warrant denial of UEI's unopposed motion, which serves to narrow the scope of the investigation and simplify the issues before the ALJ. *Id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The investigation is hereby partially terminated due to withdrawal of all remaining asserted claims of the '317 patent and claims 1, 3, 4, and 6 of the '642 patent against the TCL Respondents and the Hisense Respondents.

The Commission vote for this determination took place on February 24, 2021.

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 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: February 24, 2021