

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

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

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. 37) issued by the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to partially terminate the investigation with respect to certain respondents due to a settlement agreement. The subject respondents are hereby terminated from this investigation.

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 (“the ’297 patent”); 10,212,486 (“the ’486 patent”); 10,412,141 (“the ’141 patent”); and 10,484,749 (“the ’749 patent”). *Id.* The complaint further alleges the existence of a domestic industry. *Id.*

The Commission's notice of investigation named numerous respondents, including MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; and MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan (collectively, "the MediaTek Respondents") (all respondents are collectively referred to as "Respondents"). *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On February 1, 2021, the Commission partially terminated the investigation due to the withdrawal of certain claims of the '297 patent, '486 patent, '141 patent, and '749 patent with respect to all named Respondents. Order No. 25 (Jan. 15, 2021), *unreviewed by* Comm'n Notice (Feb. 1, 2021).

On February 5, 2021, DivX and the MediaTek Respondents jointly moved to terminate the investigation with respect to the MediaTek Respondents based upon a settlement agreement. Order No. 37 at 1-3 (Feb. 22, 2021). On February 19, 2021, the presiding ALJ initially denied the motion because of certain inappropriate redactions, with instructions to refile the motion as corrected. *Id.* at 3. On February 22, 2021, DivX and the MediaTek Respondents filed their corrected joint motion to terminate the MediaTek Respondents. No opposition to the joint motion was filed. *Id.* at 3-4.

On February 22, 2021, the presiding ALJ issued the subject ID (Order No. 37) granting the corrected joint motion. *Id.* at 4. The subject ID finds that the corrected joint motion complies with the requirements of Commission Rule 210.21(a), (b) (19 CFR 210.21(a), (b)), as it includes both a complete, confidential version of the settlement agreement and a redacted, public version, and represents that there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. *Id.* at 5. The subject ID also finds that the settlement agreement between DivX and the MediaTek Respondents would not be 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 to U.S. consumers. *Id.* at 5-6. The subject ID finds that termination of the MediaTek Respondents from this investigation is in the public interest and will conserve public and private resources. *Id.*

No petition for review of the subject ID was filed.

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

The Commission voted to approve this determination on March 12, 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'.

Lisa R. Barton
Secretary to the Commission

Issued: March 12, 2021