

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POWER
SEMICONDUCTORS, AND MOBILE
DEVICES AND COMPUTERS
CONTAINING SAME**

Investigation No. 337-TA-1308

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION AS TO THE TCL RESPONDENTS BASED ON SETTLEMENT**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 51) terminating this investigation as to respondents TCL Electronics Holdings Limited and TCL Communication Limited, both of Hong Kong Science Park, Hong Kong; TTE Technology Inc. of Corona, California; and TCT Mobile (USA) Inc. of Irvine, California (collectively, "the TCL Respondents") based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. 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 April 1, 2022, based on a complaint filed on behalf of Arigna Technology Limited ("Arigna") of Dublin, Ireland. 87 FR 19124-25 (Apr. 1, 2022). The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power semiconductors, and mobile devices and computers containing same by reason of infringement of certain claims of U.S. Patent No. 7,183,835. The Commission's notice of investigation named thirteen (13) respondents: (1)

Samsung Electronics Co., Ltd. of Suwon, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, “the Samsung Respondents”); (2) Google LLC of Mountain View, California; Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; Motorola Mobility LLC of Chicago, Illinois; Microsoft Corporation of Redmond, Washington; and OnePlus Technology (Shenzhen) Co., Ltd. of Guangdong, China (collectively, “the Additional Settling Respondents”); (3) Apple Inc. of Cupertino, California; and (4) the TCL Respondents. The Office of Unfair Import Investigations is participating in the investigation.

On December 8, 2022, the Commission terminated this investigation as to the Samsung Respondents and the Additional Settling Respondents based on respective settlement and license agreements. (Order Nos. 24, 25) (Nov. 10, 2022), *unreviewed by* Comm’n Notice (Dec. 8, 2022). The presiding ALJ held an evidentiary hearing in this investigation February 13-17, 2023.

On May 8, 2023, Arigna filed a motion seeking to (1) terminate this investigation as to the TCL Respondents based on a settlement agreement and (2) limit service of the confidential version of the settlement agreement to Arigna, the TCL Respondents and the Commission Investigative Staff (“Staff”). *See* ID at 2. On May 10, 2023, the Staff filed a response (“Staff Resp.”) in support of the motion, stating that it “is not aware of any information to indicate that the termination of this Investigation would be contrary to the public health and welfare, competitive conditions of the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers.” ID at 2 (quoting Staff Resp. at 5).

On May 15, 2023, the presiding ALJ issued the subject ID pursuant to Commission Rule 210.21(b) (19 CFR 210.21(b)), granting Complainant’s motion. *See* ID at 2-3. The subject ID finds that there is “no evidence of any adverse impact on the public interest from the termination of TCL.” *Id.* at 2.

The subject ID notes that Arigna requested that service of the confidential version of the Agreement be limited to Arigna, TCL, and the Staff, because of “the highly sensitive nature of the negotiated terms in the Agreement.” *Id.* (citing 19 C.F.R. § 210.21(b)(2)). The ALJ granted Arigna’s request, explaining that “there is no opposition to this request, and requests to limit the service of confidential agreements were granted in the previous terminations by settlement in this investigation. *Id.* at 3 (citing Order nos. 24 and 25, *unreviewed by* Comm’n Notice (Dec. 8, 2022)).

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

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

The Commission vote for this determination took place on June 6, 2023.

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", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: June 6, 2023