

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN GRAPHICS SYSTEMS,
COMPONENTS THEREOF, AND DIGITAL
TELEVISIONS CONTAINING THE SAME**

Investigation No. 337-TA-1318

**NOTICE OF COMMISSION DETERMINATION TO DENY REALTEK
SEMICONDUCTOR CORPORATION'S MOTION TO SUSPEND OR STAY THE
REMEDIAL ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny the motion filed by Realtek Semiconductor Corporation ("Realtek") of Hsinchu, Taiwan to suspend or stay the remedial orders issued in the underlying investigation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 7, 2022, based on a complaint filed by Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Ontario, Canada (together, "AMD"). 87 FR 34718-19 (June 7, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on certain graphics systems, components thereof, and digital televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,742,053; 8,760,454; 11,184,628; 8,468,547; and 8,854,381 ("the '381 patent"). *Id.* at 34718. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named 14 respondents: (1) TCL Industries Holdings Co., Ltd. of Guangdong, China; (2) TCL Industries Holdings (H.K.) Co. Limited of Hong Kong, China; (3) TCL Electronics Holdings Ltd. f/k/a TCL Multimedia Technology Holdings, Ltd. of Hong Kong, China; (4) TCL Technology Group Corporation of Guangdong, China; (5) TTE Corporation of Hong Kong, China; (6) TCL Holdings (BVI) Ltd. of Hong Kong, China; (7) TCL King Electrical Appliances (Huizhou) Co. Ltd. of Guangdong, China; (8) Shenzhen TCL New Technology Co.,

Ltd. of Guangdong, China; (9) TCL MOKA International Ltd. of Hong Kong, China; (10) TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; (11) Manufacturas Avanzadas SA de CV of Chihuahua, Mexico; (12) TCL Electronics Mexico, S de RL de CV of Benito Juarez, Mexico; (13) TCL Overseas Marketing Ltd. of Hong Kong, China; and (14) Realtek. *Id.* at 34719, as amended, 87 FR 62452-53 (Oct. 14, 2022). The Office of Unfair Import Investigations was not named as a party to this investigation. 87 FR at 34719.

On September 26, 2022, the Commission allowed TTE Technology, Inc. of Corona, California to intervene in this investigation as an additional respondent (collectively, with all named respondents except for Realtek, “TCL”). *See* Order No. 17 (Aug. 30, 2022), *unreviewed by* Comm’n Notice (Sept. 26, 2022).

On January 24, 2024, the Commission issued a final determination finding a violation of section 337 by Realtek and TCL with respect to claims 19 and 20 of the ’381 patent. 89 FR 5934-35 (Jan. 30, 2024); *see* Comm’n Opinion (Jan. 24, 2024). The products adjudicated as infringing each incorporate graphics processing units (“GPUs”) designed and supplied by non-party ARM, Inc. (“ARM”). Comm’n Op. at 14. The Commission determined that the appropriate remedy is: (i) a limited exclusion order (“LEO”) against Realtek’s and TCL’s infringing products and (ii) cease and desist orders (“CDOs”) against each of the TCL entities, but not against Realtek (collectively, the “remedial orders”). 89 FR at 5935. The Commission also set the bond during the period of Presidential review at zero (0) percent of the entered value of the infringing articles. *Id.*

On February 1, 2024, Realtek filed a petition for reconsideration of the following sentence on page 59 of the Commission’s Opinion: “The Commission has determined not to limit the remedial orders to ‘GPUs with an ARM architecture.’” On May 6, 2024, the Commission denied Realtek’s petition for reconsideration, reiterating that the LEO covers any of Realtek’s infringing products that are within the scope of the investigation, including those containing GPUs manufactured by entities other than ARM. *See* Comm’n Notice (May 7, 2024).

On March 11, 2024, Realtek filed the present motion to suspend or stay the Commission’s remedial orders. Specifically, Realtek requests that the Commission (i) suspend enforcement of the remedial orders pending the resolution of parallel *inter partes* review proceedings at the Patent Trial and Appeal Board concerning the ’381 patent, and/or (ii) stay enforcement of the remedial orders pending appeal of the Commission’s final determination. On March 21, 2024, AMD filed a response opposing Realtek’s motion.

On March 27, 2024, Realtek filed an appeal from the Commission’s final determination with the U.S. Court of Appeals for the Federal Circuit. *See Realtek Semiconductor Corp. v. ITC*, Appeal No. 24-1613. That same day, Realtek filed an Emergency Motion for Stay Pending Appeal and Interim Stay with the Federal Circuit that is similar in substance to Realtek’s present motion at issue here. *See id.*, ECF 2-3. On April 12, 2024, the Commission filed a response in opposition to Realtek’s emergency motion. *See id.*, ECF 17. On April 19, 2024, Realtek filed a reply in support of its emergency motion. *See id.*, ECF 19. On May 16, 2024, the Federal Circuit issued an order denying Realtek’s emergency motion. *See id.*, ECF 26.

The Commission, having reviewed the record in this investigation, including Realtek's motion to suspend or stay the remedial orders and AMD's response in opposition thereto, has determined to deny Realtek's motion. The Commission issues an order herewith setting forth its determination.

The Commission vote for this determination took place on May 24, 2024.

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.

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: May 28, 2024