

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OUTDOOR AND SEMI-OUTDOOR
ELECTRONIC DISPLAYS, PRODUCTS
CONTAINING SAME, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1331

**NOTICE OF A COMMISSION DETERMINATION DENYING
COMPLAINANT’S PETITION FOR RECONSIDERATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny Complainant Manufacturing Resources International, Inc.’s (“MRI”) petition for reconsideration of a Commission determination not to review the presiding administrative law judge’s (“ALJ”) final initial determination (“FID”) finding no violation of section 337 of the Tariff Act of 1930, as amended.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 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 (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 September 23, 2022, based on a complaint filed on behalf of MRI of Alpharetta, Georgia. 87 FR 58132-33 (Sept. 23, 2022). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 USC 1337 (“section 337”), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof by reason of infringement of one or more of certain claims of U.S. Patent Nos. 8,854,595 (“the

'595 patent"); 9,173,322 ("the '322 patent"); 9,629,287 ("the '287 patent"); 10,506,740 ("the '740 patent"); and 11,013,142 ("the '142 patent") (collectively, the "Asserted Patents"). The complaint further alleged that a domestic industry exists.

The respondents named in the Commission's notice of investigation ("NOI"), included: (1) Samsung Electronics Co., Ltd. ("Samsung Electronics") of Gyeonggi-do, Republic of Korea; (2) Samsung SDS Co. Ltd. of Seoul, Republic of Korea; (3) Samsung SDS America, Inc. ("Samsung SDS America") and Samsung Electronics America, Inc. ("Samsung Electronics America"), both of Ridgefield Park, New Jersey; (4) Coates Visual LLC ("Coates Visual") of Chicago, Illinois; (5) Coates Signco Pty Limited of Sydney, Australia; and (6) Industrial Enclosure Corporation d/b/a Palmer Digital Group ("Palmer Digital") of Aurora, Illinois. The Office of Unfair Import Investigations did not participate in the investigation.

On November 10, 2022, the Commission terminated this investigation as to respondent Coates Visual and amended the complaint and NOI to add Coates US Inc. of Chicago, Illinois ("Coates US") as a respondent. Order No. 6 (Oct. 24, 2022), *unreviewed by* Comm'n Notice (Nov. 10, 2022).

On June 5, 2023, the Commission subsequently terminated the investigation as to respondents Samsung SDS Co. Ltd. and Coates Signco Pty Limited, and these respondents did not participate in the evidentiary hearing. Order Nos. 10-11 (May 4, 2023), *unreviewed by* Comm'n Notice (June 5, 2023); *see also* Comm'n Notice (Feb. 28, 2024).

On July 17, 2023, the Commission granted summary determination that the economic prong of the domestic industry requirement is satisfied for the Asserted Patents. *See* Order No. 19 (June 15, 2023), *unreviewed by* Comm'n Notice (July 17, 2023).

On September 11, 2023, the Commission affirmed (as to non-terminated claims remaining asserted) an initial determination granting-in-part a motion for summary determination of non-infringement of certain unaccused products. Order No. 21 (June 20, 2023), *aff'd by* Comm'n Notice (September 11, 2023).

On November 13, 2023, when the presiding administrative law judge issued the FID, the following claims remained in the investigation: Claim 12 of the '287 patent; claims 1, 4, 7, 8 and 9 of the '595 patent; claims 3, 4, 5, 8, 9, 12, and 13 of the '322 patent; claims 1 and 5 of the '740 patent; and claims 6 and 10 of the '142 patent. The FID found that there has been no violation of section 337 in the importation into the United States, the sale for importation, and/or the sale in the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof.

On November 27, 2023, Complainant filed a petition for review of several of the FID's findings. Relevant here, MRI sought, *inter alia*, review of the FID's finding that Samsung Electronics', Samsung Electronics America's, and Samsung SDS America's (collectively, "Samsung") redesigns of the accused OH46B and OH55A products were ripe for adjudication.

More specifically, MRI argued that the FID’s rulings that “. . . the redesigns were sufficiently disclosed during discovery, were sufficiently fixed in design, and do not infringe [claim 12 of] the ’287 Patent are clearly erroneous. . . .” MRI Pet. at 47.

On February 28, 2024, the Commission issued notice of its determination not to review the FID and thus adopted the FID’s finding of no violation. *See* 89 FR 15896-98 (March 5, 2024); 19 CFR 210.42(h)(2).

On March 13, 2024, pursuant to Commission Rule 210.47 (19 CFR 210.47), MRI filed a petition for Commission reconsideration (“MRI Pet. for Recon.”) of its decision not to review the FID’s findings with respect to Samsung’s redesigned products. In its petition, MRI asserts that it is “not possible to tell from Samsung’s discovery production what the fixed structure of the redesigns is, much less to analyze whether it infringes.” MRI Pet. for Recon. at 1. On March 18, 2024, Samsung, Coates US, and Palmer Digital filed a response in opposition to MRI’s petition.

The Commission has determined to deny MRI’s petition for reconsideration. MRI’s petition does not comply with Commission Rule 210.47, as it is not confined to new questions raised by the Commission’s determination that MRI had no opportunity to address previously. *See* 19 CFR 210.47. Indeed, MRI previously raised arguments in its original petition for review that the FID erred by adjudicating the alleged redesigned products, and those arguments are largely repeated in its petition for reconsideration. *See* MRI Pet. at 47-53. The Commission considered and rejected these arguments when it determined not to review the FID. In addition, the FID clearly identifies the redesigned products that were found not to infringe claim 12 of the ’287 patent. Samsung made samples of the redesigned products available for inspection and “Samsung’s corporate witness testified at his deposition that physical samples of the redesigns were shipped to the United States.” FID at 120 (citing CX-1909C at 102:20-103:11).

The Commission vote for this determination took place on May 8, 2024.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 USC 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: May 8, 2024