

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTORS AND
DEVICES AND PRODUCTS
CONTAINING THE SAME, INCLUDING
PRINTED CIRCUIT BOARDS,
AUTOMOTIVE PARTS, AND
AUTOMOBILES**

Inv. No. 337-TA-1332

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION IN PART
BASED ON WITHDRAWAL OF U.S. PATENT NO. 9,575,895**

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. 13), granting complainant's motion to terminate the investigation in part based on withdrawal of all remaining claims of U.S. Patent No. 9,575,895 ("the '895 patent"), specifically claims 1-5, 8-11, and 13-16.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. 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 October 14, 2022, based on a complaint filed on behalf of Daedalus Prime LLC of Bronxville, NY ("Complainant"). 87 FR 62454 (Oct. 14, 2022).¹ The complaint, as supplemented, alleged 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 semiconductors and devices and products containing the same,

¹ A Corrected Notice of Institution was published on November 2, 2022. 87 FR 66208 (Nov. 2, 2022). The Corrected Notice of Institution omits the determination on whether an industry "is in the process of being established" from the investigation. *Id.* at 66209.

including printed circuit boards, automotive parts, and automobiles by reason of infringement of one or more of claims 1-18 of U.S. Patent No. 8,775,833 (“the ’833 patent”); claims 1-18 of U.S. Patent No. 8,898,494 (“the ’494 patent”); claims 1-17 of the ’895 patent; claims 1-24 of U.S. Patent No. 10,049,080 (“the ’080 patent”); claims 1-19 of U.S. Patent No. 10,394,300 (“the ’300 patent”); and claims 1-20 of U.S. Patent No. 10,705,588 (“the ’588 patent”). *Id.* at 62454-55. The complaint further alleged that an industry in the United States exists as required by the applicable Federal Statute. *Id.* The notice of investigation named as respondents: Avnet, Inc. of Phoenix, AZ; Digi-Key Electronics of Thief River Falls, MN; Mercedes-Benz Group AG and Mercedes-Benz AG, both of Germany; Mercedes-Benz USA, LLC of Sandy Springs, GA; Mouser Electronics, Inc. of Mansfield, TX; Newark of Chicago, IL; NXP Semiconductors N.V. of Netherlands; and NXP USA, Inc. of Austin, TX (collectively, “Respondents”). *Id.* at 62455. The Office of Unfair Import Investigations (“OUII”) is also participating in this investigation. *Id.*

Claims 6, 7, 12, and 17 of the ’895 patent, claims 6, 8, 10, 16, and 17 of the ’300 patent, claims 6, 11, and 12 of the ’833 patent, claims 8-11, 12, and 16 of the ’494 patent, claims 2, 4-5, 12-13, and 20 of the ’588 patent, and claims 9-16, 21, and 22 of the ’080 patent were terminated from the investigation. *See* Order No. 11 (Dec. 13, 2022), *unreviewed by* Comm’n Notice (Jan. 11, 2023).

On December 30, 2022, Complainant filed a motion to withdraw their allegations of infringement with respect to all remaining claims of the ’895 patent, specifically claims 1-5, 8-11, and 13-16. Respondents and OUII did not oppose the motion.

On January 3, 2023, the ALJ issued the subject ID (Order No. 13), granting Complainant’s motion to terminate the investigation in part based on withdrawal of all remaining claims of the ’895 patent. The ID found that the motion complies with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and there are no extraordinary circumstances preventing the withdrawal of the identified allegations. *See* ID at 2-3. No petition for review of the ID was filed.

The Commission has determined not to review the subject ID. The ’895 patent has been terminated from the investigation.

The Commission vote for this determination took place on January 30, 2023.

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 "Katherine M. Hiner". The signature is written in a cursive style with a large initial 'K'.

Katherine M. Hiner
Acting Secretary to the Commission

Issued: January 30, 2023