

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN SEMICONDUCTOR  
DEVICES, MOBILE DEVICES  
CONTAINING THE SAME, AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1336**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT’S MOTION FOR SUMMARY  
DETERMINATION, AND ON REVIEW TO AFFIRM, WITH MODIFIED REASONING,  
THE GRANT OF SUMMARY DETERMINATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to review an initial determination (“ID”) (Order No. 49) of the presiding administrative law judge (“ALJ”) granting Complainant’s motion for summary determination, and on review, to affirm, with modified reasoning, the grant of summary determination.

**FOR FURTHER INFORMATION CONTACT:** Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. 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](mailto: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, 2022, based upon a complaint filed on behalf of Daedalus Prime LLC (“Daedalus”) of Bronxville, New York. 87 FR 63524-25 (Oct. 19, 2022). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, mobile devices containing the same, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 9,831,306 (“the ’306 patent”); U.S. Patent No. 10,319,812 (“the ’812 patent”); U.S. Patent No. 10,700,178 (“the ’178 patent”); and U.S. Patent No. 11,251,281 (“the ’281 patent”). The Commission’s notice of investigation named as respondents Samsung Electronics Co., Ltd. of Suwon-si, Gyeonggi-do, Republic of Korea;

Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Taiwan Semiconductor Manufacturing Company Limited of Hsinchu City, Taiwan; and TSMC North America of San Jose, California. The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation.

On May 18, 2023, Daedalus filed a motion for summary determination that Respondents Taiwan Semiconductor Manufacturing Company Limited and TSMC North America (collectively, “TSMC”) are not licensed to the asserted patents.<sup>1</sup> On that same date, TSMC filed a cross-motion for summary determination of non-infringement based on a license. On July 17, 2023, the ALJ issued the subject ID granting Daedalus’s motion for summary determination and denying TSMC’s cross-motion.

On July 24, 2023, TSMC filed a petition for review of the ID. On July 31, 2023, Daedalus and OUII filed responses to the petition.

The Commission has determined to review the ID, and on review, to vacate part of the ID and to affirm, with modified reasoning, the grant of summary determination. The reasoning for the Commission’s determination is explained in the Commission Opinion issued concurrently herewith.

The Commission vote for this determination took place on August 23, 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.



Lisa R. Barton  
Secretary to the Commission

Issued: August 23, 2023

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<sup>1</sup> After the motion was filed, the ALJ issued Order No. 35 terminating the investigation with respect to the ’306 patent and the ’812 patent. Order No. 35 (June 9, 2023), *unreviewed by Comm’n Notice* (July 10, 2023). Accordingly, the asserted patents remaining in the investigation are the ’178 patent and the ’281 patent.