

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

**In the Matter of**

**CERTAIN INTEGRATED CIRCUITS,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING THE SAME**

**Investigation No. 337-TA-1350**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DEADLINE FOR  
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend the deadline for determining whether to review a final initial determination (“FID”) in the above-captioned investigation to June 11, 2024.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. 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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On January 24, 2023, the Commission instituted the present section 337 investigation based on a complaint filed by Realtek Semiconductor Corporation of Hsinchu, Taiwan (“Realtek”). *See* 88 FR 4205-06 (Jan. 24, 2023). The complaint, as supplemented, alleges violations of section 337 due to the importation into the United States, sale for importation, or sale within the United States after importation of certain integrated circuits, components thereof, and products containing that infringe one or more asserted claims of U.S. Patent Nos. 7,936,245 (“the ’245 patent”), 8,006,218 (“the ’218 patent”), and 9,590,582 (“the ’582 patent”). *Id.* The complaint alleges that a domestic industry exists. *Id.* The notice of investigation names Advanced Micro Devices, Inc. of Santa Clara, CA (“AMD”) as the respondent. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

The presiding administrative law judge (“ALJ”) held a claim construction (*Markman*) hearing on June 5, 2023. The ALJ issued the claim construction order on July 25, 2023. Order No. 21 (July 25, 2023).

On June 20, 2023, AMD moved to preclude Mr. Steve Baik, Realtek’s outside trial counsel, from testifying as a fact witness in the evidentiary hearing. On July 7, 2023, the ALJ issued Order No. 19, ordering AMD to show cause why Winston & Strawn (“Winston”) should not be disqualified in this investigation due to an alleged conflict of interest. Order No. 19 at 2 (July 7, 2023).

On August 4, 2023, the ALJ held a teleconference with the parties regarding Mr. Baik and Winston. On August 17, 2023, the ALJ issued Order No. 23, which granted AMD’s motion to preclude Mr. Baik from testifying on behalf of Realtek but did not disqualify Winston. Order No. 23 at 1 (Aug. 17, 2023). On August 24, 2023, the ALJ denied Realtek’s motions for reconsideration and for interlocutory review. Order No. 24 (Aug. 24, 2023). On September 6, 2023, Realtek filed a petition in the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) seeking a writ of mandamus to order the ALJ to vacate the ruling striking Mr. Baik. The Federal Circuit denied the petition on September 25, 2023. *In re Realtek Semiconductor Corp.*, Appeal No. 2023-147, On Petition and Motion (Sept. 25, 2023).

On October 16, 2023, the ALJ issued an order granting AMD’s motion to sanction Realtek for failing to accurately answer certain interrogatories and produce relevant documents regarding Realtek’s earlier litigations against Avago Techns. General IP (Singapore) Pte., Ltd and Broadcom Corp. in the U.S. District Court for the District of Delaware. Order No. 39 at 1-6 (Oct. 16, 2023).

The ALJ proceeded to hold an evidentiary hearing from October 16-20, 2023.

On November 14, 2023, the Commission terminated the investigation as to claim 9 of the ’582 patent and claim 14 of the ’218 patent, based on Realtek’s withdrawal of those claims. Order No. 40 (Oct. 20, 2023), *unreviewed by Comm’n Notice* (Nov. 14, 2023).

On January 19, 2024, the presiding ALJ issued the combined FID and Recommended Determination on Remedy and Bond (“RD”). The FID finds no violation of section 337 for any of the three patents at issue because: (i) asserted claims 1, 2, and 8 of the ’245 patent are infringed but invalid as obvious; (ii) asserted claims 12, 13, and 15-18 of the ’218 patent are infringed but invalid as obvious; (iii) regarding the ’582 patent, asserted claims 1-4 are not infringed and claims 1-3 (but not claim 4) are invalid as anticipated; and (iv) Realtek failed to satisfy the economic prong of the domestic industry requirement for any of the three asserted patents. FID at 252. The FID also finds that Realtek has satisfied the technical prong of the domestic industry requirement for each asserted patent. *Id.*

The RD recommends, if the Commission finds a violation, issuing a limited exclusion order barring entry of AMD products that infringe any of the asserted claims of the ’218, ’582, or ’245 patents. *Id.* at 254-256. The RD also recommends issuing a cease and desist order directed to AMD. *Id.* at 256. The RD further recommends issuing no bond (0%) against any covered products imported during the period of Presidential review. *Id.* at 256-257.

On January 30, 2024, the Commission issued a notice requesting submissions on the public interest, if a violation is found. 89 FR 5933 (Jan. 30, 2024). The Commission did not

receive any public interest submission from the public or any other agency in response to this notice. *Id.* On February 20, 2024, AMD filed its public interest statement, pursuant to Commission Rule 210.50(a)(4). 19 CFR 210.50(a)(4). On February 26, 2024, Realtek filed a motion for leave to file its public interest statement out of time. The Commission denied Realtek's motion on the same date.

On February 2, 2024, Realtek filed a petition for review of the FID's findings regarding: (i) invalidity of the '218 patent claims; (ii) regarding the '582 patent, non-infringement of the asserted claims and invalidity of asserted claims 1-3; (iii) failure to satisfy the economic prong of the domestic industry requirement, including the ALJ's decision to preclude Mr. Baik from testifying but not to disqualify Winston; and (iv) sanctions levied against Realtek for discovery misconduct. Realtek is not seeking review of the FID's findings regarding the '245 patent.

Also on February 2, 2024, AMD filed a contingent petition for review of the FID's findings regarding: (i) for the '218 patent, claim construction, infringement, the technical prong of the domestic industry requirement, the asserted claims are not invalid for lack of written description or enablement, and that a certain cited reference is not prior art; and (ii) for the '582 patent, that claims 1-4 are not invalid as anticipated by the Qualcomm RFR6122 chip, that claim 4 is not anticipated by the Qualcomm RBR1000 chip, and that asserted claims 1-4 of the '582 patent are not obvious over certain cited prior art references; and (iii) certain findings relating to the economic prong of the domestic industry requirement.

On February 12, 2024, Realtek and AMD filed their respective responses to the opposing petitions for review.

The Commission has determined to extend the deadline for determining whether to review the subject FID to June 11, 2024.

The Commission vote for this determination took place on June 3, 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.



Lisa R. Barton  
Secretary to the Commission

Issued: June 3, 2024