

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ACTIVE MATRIX ORGANIC
LIGHT-EMITTING DIODE DISPLAY
PANELS AND MODULES FOR MOBILE
DEVICES, AND COMPONENTS THEREOF**

Investigation No. 337-TA-1351

**NOTICE OF A COMMISSION DETERMINATION TO AFFIRM WITH MODIFICATIONS
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO TWO
RESPONDENTS BASED ON A MODIFIED CONSENT ORDER AND CONSENT ORDER
STIPULATION; ISSUANCE OF A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm with modifications the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 43) terminating the investigation as to two respondents based on a modified consent order stipulation and consent order. The Commission issues a consent order directed to Apt-Ability LLC d/b/a MobileSentrix and Mobile Defenders, LLC.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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: On February 3, 2023, the Commission instituted this investigation based on a complaint filed by Samsung Display Co., Ltd. of the Republic of Korea ("Samsung"). 88 FR 7463-64 (Feb. 3, 2023). The complaint alleges 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, or sale within the United States after importation of certain active matrix organic light-emitting diode display panels and modules for mobile devices, and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 9,818,803; 10,854,683; 7,414,599; and 9,330,593. *Id.* The Commission's notice of investigation, as amended, named numerous respondents, including Apt-Ability LLC d/b/a MobileSentrix of Chantilly, Virginia, and Mobile Defenders, LLC of Caledonia, Michigan (collectively "MobileSentrix"), as well as Mianyang

BOE Optoelectronics Co., Ltd (“Mianyang BOE”) of Sichuan, China. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On November 16, 2023, Samsung and MobileSentry collectively moved to terminate the investigation as to MobileSentry based on a consent order stipulation, proposed consent order, and a binding settlement term sheet. Mianyang BOE and OUII each filed a response in opposition of the motion.

On December 7, 2023, the ALJ issued Order No. 40 giving Samsung and MobileSentry an opportunity to address certain issues raised by Mianyang BOE and OUII as to the joint motion to terminate MobileSentry from the investigation.

On December 13, 2023, Samsung and MobileSentry filed a joint submission which included revised redactions to the binding settlement term sheet and revised versions of the consent order stipulation and proposed consent order. Mianyang BOE filed a response stating that it no longer opposed the joint motion to terminate. OUII filed a response noting that the consent order stipulation and proposed consent order identify claims that had been terminated from this investigation, but otherwise did not oppose the motion to terminate.

On December 20, 2023, the ALJ granted the joint motion to terminate the investigation as to MobileSentry. Order No. 43. The ID found that the revised consent order stipulation complied with the requirements of 19 CFR 210.21(c)(3) and the revised proposed consent order complied with the requirements of 19 CFR 210.21(c)(4). *Id.* at 2-4. The ID further found no public interest concerns weighing against termination of the investigation as to MobileSentry. *Id.* at 4-5. Order No. 43 noted that the proposed consent order included claims that were no longer asserted in the investigation.

No party filed a petition for review of the subject ID. The Commission determined to extend the date for determining whether to review Order No. 43 until January 26, 2024.

On January 26, 2024, the Commission determined to review the ID and requested written submissions from the parties. On February 5, 2024, MobileSentry and Samsung jointly filed a written submission (“Joint Submission”) and further revised consent order, and on February 12, 2024, OUII filed a written submission. The Joint Submission states that the revised proposed consent order does not include any claims that have been withdrawn from the investigation. OUII argues that despite the Joint Submission representing that all withdrawn claims have been removed from the proposed consent order, the proposed consent order is still problematic because it includes a claim that was never asserted against any respondent. OUII explains that this claim was relied on by Samsung only for its domestic industry allegations.

Having reviewed the parties’ submissions, the Commission has determined to affirm the ID with modifications. Specifically, given the agreement of the parties, the Commission has determined to remove from the consent order the withdrawn claims. In addition, the Commission has determined to not include in the consent order the claim identified by OUII that was not asserted against any of the respondents. The Commission has therefore determined to issue a modified consent order directed to MobileSentry. MobileSentry is terminated from the investigation.

The Commission vote for this determination took place on April 18, 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: April 18, 2024