

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING STREAMING PLAYERS,
TELEVISIONS, SET TOP BOXES,
REMOTE CONTROLLERS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1200

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION WITHDRAWING ALLEGATIONS
AS TO CERTAIN PATENTS AND PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 44), granting an unopposed motion by complainant to withdraw the allegations in the complaint as to U.S. Patent Nos. 7,696,514 (“the ’514 patent”) and 9,911,325 (“the ’325 patent”), as well as certain other asserted patent claims, from this investigation.

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. 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 May 22, 2020, based on a complaint filed by Universal Electronics, Inc. (“UEI”) of Scottsdale, Arizona. 85 FR 31211-212 (May 22, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), in the importation into the United States, sale for importation, or sale in the United States after importation of certain electronic devices, including streaming players, televisions, set top boxes, remote controllers, and components thereof, by reason of infringement of one of more of the asserted claims of the ’514 patent, the ’325 patent, and U.S. Patent Nos. 10,593,196 (“the ’196 patent”); 7,589,642 (“the ’642 patent”); 10,600,317 (“the ’317 patent”); and 9,716,853 (“the ’853 patent”). *Id.* The complaint also alleges that a domestic industry exists. *Id.*

The Commission’s notice of investigation named the following respondents: Roku Inc. of Los Gatos, California; TCL Electronics Holdings Ltd. of New Territories, Hong Kong;

Shenzhen TCL New Technology Co. Ltd. of Shenzhen, China; TCL King Electrical Appliances Co. Ltd., Huizhou, China; TTE Technology Inc. of Corona, California; TCL Corp. of Huizhou City, China; TCL Moka Int'l Ltd. of New Territories, Hong Kong; TCL Overseas Marketing Ltd. of New Territories, Hong Kong; TCL Industries Holdings Co., Ltd. of New Territories, Hong Kong; TCL Smart Device Co. of Bac Tan Uyen District, Vietnam (collectively, “the TCL Respondents”); Hisense Co. Ltd. of Qingdao, China; Hisense Electronics Manufacturing Co. of America Corp. of Suwanee, Georgia; Hisense Import & Export Co. Ltd. of Qingdao, China; Qingdao Hisense Electric Co., Ltd. of Qingdao, China; Hisense International Co., Ltd. of Shen Wang, Hong Kong (collectively, “the Hisense Respondents”); and Funai Electric Co., Ltd. of Osaka, Japan; Funai Corp. Inc. of Rutherford, New Jersey; and Funai Co., Ltd. of Nakhon Ratchasima, Thailand (collectively, “the Funai Respondents”) (all respondents are collectively referred to as “Respondents”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On December 23, 2020, the Commission terminated the investigation with respect to the '853 patent, claims 19 and 20 of the '196 patent, and claims 14 and 20 of the '642 patent due to the withdrawal of those patent claims. Order No. 27 (Dec. 2, 2020), *unreviewed by Comm'n Notice* (Dec. 23, 2020). The Commission subsequently terminated the investigation with respect to claim 20 of the '514 patent. Order No. 32 (Dec. 21, 2020), *unreviewed by Comm'n Notice* (Jan. 5, 2021). On January 13, 2021, the Commission amended the notice of institution of the investigation to clarify that claims 2 and 4-5 of the '196 patent are only domestic industry claims and are not being asserted against any respondent for infringement purposes. Order No. 33 (Dec. 29, 2020), *unreviewed by Comm'n Notice* (Jan. 13, 2021). On January 21, 2021, the Commission partially terminated the investigation due to withdrawal of all asserted claims of the '317 patent, claim 6 of the '514 patent, and claims 1, 3, 4, 6, 12, and 19 of the '642 patent with respect to the Funai Respondents. Order No. 34 (Jan. 4, 2021), *unreviewed by Comm'n Notice* (Jan. 21, 2021).

On February 2, 2021, UEI moved to partially terminate the investigation by withdrawing: (i) all asserted claims (*i.e.*, claims 1, 2, 4, 6-9, 11-16) of the '325 patent; (ii) all asserted claims (*i.e.*, claims 1-6) of the '514 patent; (iii) claims 1, 2, 4, 5, 7, 8, and 10 of the '317 patent; and (iv) claim 25 of the '642 patent. UEI also moved to withdraw claim 12 of the '642 patent against the TCL Respondents and the Hisense Respondents. The motion was unopposed.

On February 2, 2021, the presiding administrative law judge (“ALJ”) issued the subject ID (Order No. 44) granting UEI’s unopposed motion. The subject ID finds that UEI’s motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) in that there are no other agreements, oral or written, express or implied, between the parties regarding the subject matter of the investigation. Order No. 44 at 2-3 (Feb. 2, 2021). The subject ID further finds no extraordinary circumstances that would warrant denial of UEI’s unopposed motion, which serves to narrow the scope of the investigation and simplify the issues before the ALJ. *Id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The investigation is partially terminated by withdrawal of: (i) all asserted claims (*i.e.*, claims 1, 2, 4, 6-9, 11-16) of the '325 patent; (ii) all asserted claims (*i.e.*, claims 1-6) of the '514 patent; (iii) claims 1, 2, 4, 5, 7, 8, and 10 of the '317 patent; and (iv) claim 25 of the '642 patent against all Respondents. The investigation is also partially terminated by withdrawal of claim 12 of the '642 patent against the TCL Respondents and the Hisense Respondents.

The Commission vote for this determination took place on February 19, 2021.

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', is positioned above the printed name.

Lisa R. Barton
Secretary to the Commission

Issued: February 19, 2021