

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING
DEVICES, COMPONENTS THEREOF,
AND DIGITAL SMART TELEVISIONS
CONTAINING THE SAME**

Investigation No. 337-TA-1222

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION WITH
RESPECT TO AN ASSERTED PATENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 70) issued by the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to partially terminate the investigation with respect to the remaining claims of one of the asserted patents, U.S. Patent No. 8,832,297 (“the ’297 patent”) based on withdrawal of the complaint as to that patent.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 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 system (“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: The Commission instituted this investigation on October 19, 2020, based on a complaint, as supplemented, filed by DivX, LLC (“DivX”) of San Diego, California. 85 FR 66355 (Oct. 19, 2020). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337, from the importation, sale for importation, or sale in the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of one or more asserted claims of the ’297 patent and U.S. Patent Nos. 10,212,486; 10,412,141; and 10,484,749. *Id.* The complaint further alleges the existence of a domestic industry. *Id.*

The Commission’s notice of investigation names the following respondents: Samsung Electronics Co., Ltd. of Gyeonggi-do, Korea; Samsung Electronics America, Inc. of Ridgefield

Park, New Jersey; Samsung Electronics HCMC CE Complex Co., Ltd. of Ho Chi Minh City, Vietnam (collectively, “Samsung”); LG Electronics Inc. of Seoul, Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively “LG”); MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan (collectively, “MediaTek”); Realtek Semiconductor Corp. of Hsinchu, Taiwan (“Realtek”); TCL Corporation of Huizhou, Guangdong, China; TCL Technology Corporation of Huizhou, Guangdong, China; TCL Electronics Holdings Ltd. of Shenzhen, Guangdong, China; TTE Technology, Inc. of Corona, California; Shenzhen TCL New Technologies Co. of Shenzhen, Guangdong, China; TCL King Electrical Appliances (Huizhou) Co. Ltd. of Huizhou, Guangdong, China; TCL MOKA International Ltd. of Sha Tin, New Territories, Hong Kong; and TCL Smart Device (Vietnam) Co., Ltd. of Bac Tan Uyen District, Binh Duong Province, Vietnam (collectively, “TCL”). *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

The Commission has partially terminated the investigation with respect to certain patent claims. Order No. 25 (Jan. 15, 2021), *unreviewed by* Comm’n Notice (Feb. 1, 2021); Order No. 34 (Feb. 19, 2021), *unreviewed by* Comm’n Notice (March 15, 2021); Order No. 49 (April 21, 2021), *unreviewed by* Comm’n Notice (May 10, 2021); Order No. 65 (June 28, 2021), *unreviewed by* Comm’n Notice (July 28, 2021).

The Commission has also partially terminated the investigation with respect to certain respondents due to settlement agreements. *See* Order No. 37 (terminating MediaTek), *unreviewed by* Comm’n Notice (March 12, 2021); Order No. 67 (July 16, 2021) (terminating RealTek), *unreviewed by* Comm’n Notice (Aug. 4, 2021); Order No. 69 (Aug. 12, 2021) (terminating LG, Samsung), *unreviewed by* Comm’n Notice (Sept. 15, 2021).

On November 17, 2021, DivX filed an unopposed motion to partially terminate the investigation with respect to the remaining claims of the ’297 patent based on withdrawal of the complaint as to that patent. DivX also moved to limit service of an unredacted version of a license agreement between DivX and third-party Roku, Inc. (“Roku”), the importer of certain accused products allegedly imported, marketed, and sold by TCL.

On November 22, 2021, the presiding ALJ issued the subject ID (Order No. 70) granting DivX’s unopposed motion to terminate the investigation as to the ’297 patent based on withdrawal of the complaint as to that patent. The subject ID finds that DivX’s unopposed motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), in that there are no other agreements, oral or written, express or implied, between DivX and Roku regarding the subject matter of the investigation. The ID further finds that there are no extraordinary circumstances that weigh against termination of the ’297 patent from this investigation, and public policy supports termination in order to save public and private resources. The ALJ also granted DivX’s motion to limit service of the unredacted version of the license agreement between DivX and Roku.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The ’297 patent is hereby terminated from this investigation.

The Commission voted to approve this determination on December 20, 2021.

The authority for the Commission's determinations 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 'L.R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 20, 2021