

PUBLIC VERSION

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

In the Matter of

**CERTAIN INTEGRATED CIRCUITS
AND PRODUCTS CONTAINING THE
SAME**

Investigation No. 337-TA-1272

**NOTICE OF COMMISSION DETERMINATION TO AUTHORIZE JUDICIAL
ENFORCEMENT OF A SUBPOENA *DUCES TECUM* AND *AD TESTIFICANDUM***

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to authorize judicial enforcement of a subpoena issued by the presiding administrative law judge (“ALJ”) in this investigation, and has authorized its Office of the General Counsel to seek such enforcement.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-2310. 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: The Commission instituted this investigation on July 27, 2021, based on a complaint filed by MediaTek Inc. of Hsinchu City, Taiwan and MediaTek USA Inc. of San Jose, California. 86 FR 40208-09 (Jul. 27, 2021). The complaint, as supplemented, 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, and the sale within the United States after importation of certain integrated circuits and products containing the same by reason of infringement of certain claims of the U.S. Patent Nos. 8,772,928; 7,231,474; 10,264,580 (“the ’580 patent”); 10,616,017; and 10,200,228. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named ten respondents. The Office of Unfair Import Investigations (“OUII”) is participating in the investigation.

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On August 19, 2021, the ALJ issued a subpoena *duces tecum* and *ad testificandum* to non-party Broadcom Inc. (“Broadcom”). On January 14, 2022, MediaTek moved for judicial enforcement of the subpoena as to three outstanding discovery requests (two for information requests, and one for a knowledgeable witness). OUII responded substantially in support of the motion. On February 2, 2022, the ALJ issued an order (Order No. 14) granting the motion for judicial enforcement of the subpoena as to the three outstanding requests for discovery:

1. **[[REDACTED**

]];

2. Financial documents and/or information sufficient to demonstrate Broadcom’s financial expenditures associated with products practicing the ’580 patent; and

3. A representative from Broadcom who can provide deposition testimony concerning the aforementioned topics.

Order No. 14 at 1-2. On February 7, 2022, the ALJ issued an order (Order No 15) certifying the request for judicial enforcement to the Commission.

The Commission has authorized its Office of the General Counsel to seek judicial enforcement of the subpoena as to the three outstanding requests identified in Order No. 14.

The Commission vote for this determination took place on February 23, 2022.

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: February 24, 2022