

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VIDEO PROCESSING
DEVICES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1323

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION IN PART
AS TO RESPONDENTS ACER INC. BF AND ACER AMERICA CORP. BASED ON
SETTLEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 18) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation in part as to respondents Acer Inc. BF and Acer America Corporation based on settlement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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: On August 8, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by VideoLabs, Inc. of Palo Alto, California (“VideoLabs”). 87 FR 48198-99 (Aug. 8, 2022). The complaint alleged a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video processing devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,769,238; 8,139,878; 8,208,542; and 7,372,452 (“the ’452 patent”). *Id.* at 48198. The complaint also alleged the existence of a domestic industry.

The notice of investigation named as respondents the following entities: Acer Inc. BF of New Taipei City, Taiwan, and Acer America Corporation of San Jose, California (collectively, “Acer”); ASUSTeK Computer Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, California; Lenovo Group Limited of Quarry Bay, Hong Kong S.A.R. of China; Lenovo (United States) Inc. of Morrisville, North Carolina; Micro-Star International Co., Ltd. of New Taipei City, Taiwan; Motorola Mobility LLC of Chicago, Illinois; and MSI Computer Corp. of City of Industry, California (collectively, “Respondents”). *Id.* The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

Subsequently, the ’452 patent was terminated in its entirety from the investigation. Order No. 13 (Sep. 7, 2022), *unreviewed by* Comm’n Notice (Sept. 26, 2022).

On October 10, 2022, complainant VideoLabs and respondents Acer filed a joint motion to terminate (“Mot.”) Acer from the investigation based on settlement under 19 CFR 210.21(b). On October 21, 2022, OUII filed a statement of support.

On October 24, 2022, the ALJ issued the subject ID (Order No. 18) granting the motion. The ID found that the subject motion complies with the Commission Rules, and that there are no extraordinary circumstances that warrant denying the motion. ID at 2. The ID also considered the motion’s argument that termination “will not adversely affect the public interest because it will not affect the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers,” *id.* (citing Mot. at 3 (citing 19 CFR 210.50(b)(2))), and noted that the public interest generally favors settlement to avoid needless litigation and to conserve public resources, *id.* No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Accordingly, respondents Acer Inc. BF and Acer America Corporation have been terminated from the investigation.

The Commission vote for this determination took place on November 10, 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.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: November 10, 2022