

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1323

**NOTICE OF COMMISSION DECISION TO EXTEND THE DUE DATE FOR
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION
GRANTING SUMMARY DETERMINATION OF INVALIDITY**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend until July 19, 2023, the due date for determining whether to review an initial determination (“ID”) (Order No. 47) of the presiding Administrative Law Judge (“ALJ”) granting summary determination of invalidity based on obviousness-type double patenting.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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 (“section 337”), based on a complaint filed by VideoLabs, Inc. of Palo Alto, California (“Complainant” or “VideoLabs”). *See* 87 FR 48198-99 (Aug. 8, 2022). The complaint, as supplemented, 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. Patents Nos. 7,769,238 (“the ’238 patent”); 8,139,878 (“the ’878 patent”); 7,372,452 (“the ’452 patent”); and 8,208,542 (“the ’542 patent”). *See id.* The complaint also alleged the existence of a domestic industry. *See id.* The notice of investigation named as respondents: (1) Acer Inc. of New Taipei City, Taiwan, and Acer America Corporation of San Jose, California (collectively, “Acer”); (2) ASUSTeK Computer Inc. of Taipei, Taiwan, and ASUS Computer International of Fremont, California (collectively, “ASUS”); (3) Motorola Mobility LLC of Chicago, Illinois, Lenovo

Group Limited of Quarry Bay, Hong Kong S.A.R. of China, and Lenovo (United States) Inc. of Morrisville, North Carolina (collectively, “Lenovo”); and (4) Micro-Star International Co., Ltd. of New Taipei City, Taiwan, and MSI Computer Corp. of City of Industry, California (collectively, “MSI”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *See id.*

Subsequently, the investigation was terminated in part as to the Acer respondents based on settlement. *See* Order No. 18 (Oct. 24, 2022), *unreviewed by* Comm’n Notice (Nov. 10, 2023). Likewise, the investigation was terminated in part as to the Lenovo respondents based on settlement. *See* Order No. 37 (Jan. 27, 2023), *unreviewed by* Comm’n Notice (Feb. 28, 2023). Furthermore, the investigation was terminated in part as to the MSI respondents based on settlement. *See* Order No. 38 (Feb. 7, 2023), *unreviewed by* Comm’n Notice (Mar. 7, 2023). The ASUS respondents remain in the investigation.

The Commission terminated the ’452 and ’542 patents based on the withdrawal of the complaint as to those patents. *See* Order No. 13 (Sept. 7, 2022), *unreviewed by* Comm’n Notice (Sept. 26, 2022); Order No. 40 (Feb. 15, 2023), *unreviewed by* Comm’n Notice (Mar. 22, 2023). Claim 1 of the ’238 patent and claims 1-4 of the ’878 patent remain asserted in this investigation.

On March 22, 2023, the ASUS respondents filed a corrected motion for summary determination of invalidity based on obviousness-type double patenting. On April 3, 2023, Complainant and OUII filed responses in opposition to the motion.

On May 1, 2023, the ALJ issued the subject ID (Order No. 47) granting the motion for summary determination that the asserted claims are invalid based on obviousness-type double patenting, thereby terminating the investigation in its entirety.

The Commission has determined to extend until July 19, 2023, the due date for determining whether to review the subject ID.

The Commission’s vote for this determination took place on June 15, 2023.

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: June 15, 2023