

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC
DEVICES**

Investigation No. 337-TA-1432

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW IN PART A FINAL
INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337; REQUEST
FOR WRITTEN SUBMISSIONS ON THE ISSUES UNDER REVIEW AND ON
REMEDY, THE PUBLIC INTEREST, AND BONDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part a final initial determination (“FID”) issued by the presiding Administrative Law Judge (“ALJ”), finding a violation of section 337 as to a certain asserted patent and no violation as to other asserted patents. The Commission requests written submissions from the parties on the issues under review and from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3459. 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 January 23, 2025, based on a complaint filed by Maxell, Ltd. of Kyoto, Japan (“Maxell”). 90 FR 8032-33 (Jan. 23, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of the infringement of certain claims of U.S. Patent Nos. 8,130,280 (“the ’280 patent”); 11,490,004 (“the ’004 patent”); 11,750,915 (“the ’915 patent”); 11,509,953 (“the ’953 patent”); 12,108,103 (“the ’103 patent”); 11,445,241 (“the ’241 patent”). *Id.* The complaint further alleges that a domestic industry (“DI”) exists. *Id.* The notice of investigation names as respondents Samsung Electronics Co., Ltd. of Suwon-Shi,

Republic of Korea and Samsung Electronics America, Inc. of New Jersey (collectively, “Samsung”). *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On March 10, 2025, the Commission amended the complaint and notice of investigation to allege a violation of section 337 based on infringement of additional claims 15 and 24 of the '241 patent. Order No. 6 (Feb. 21, 2025); *unreviewed by* Comm’n Notice (March 10, 2025).

On September 25, 2025, the Commission granted in part Maxell’s motion for summary determination that Samsung cannot sustain its prosecution laches defense. Order No. 18 (Sept. 2, 2025); *unreviewed by* Comm’n Notice (Sept. 25, 2025).

On February 3, 2026, the Commission terminated the investigation as to claims 2-11, 15-17 of the '280 patent, claims 2, 4, 7-9, 11, 12, 14-20 of the '004 patent, claims 1, 3-8, 10-29 of the '953 patent, claims 2, 3, 5-7, 9, 11-21 of the '103 patent, claims 1-3, 6, 8-14, 17-27 of the '241 patent, and all asserted claims of the '915 patent. Order No. 27 (Jan. 2, 2026), *unreviewed by* Comm’n Notice (Feb. 3, 2026).

On May 7, 2026, Samsung filed: (1) a request that the ALJ take a judicial notice of a recently-issued Final Written Decision (“FWD”) of the Patent Trial and Appeal Board (“PTAB”) finding asserted claims 5 and 15 (and unasserted independent claim 1) of the '241 patent unpatentable; and (2) a motion for leave to file supplemental briefing to explain the overlapping issues between the FWD and the forthcoming FID. On May 14, 2026, Maxell filed an opposition to Samsung’s motion to submit supplemental briefing, arguing that this would allow Samsung to “circumvent the governing ground rules and inject new invalidity theories into the case.” Maxell Opposition at 1. In its filing, Maxell also stated that it does not oppose Samsung’s request for judicial notice.

On July 1, 2026, the ALJ issued the FID granting Samsung’s request to take judicial notice and denying Samsung’s motion for leave to file supplemental briefing because the invalidity theories that Samsung presented to the PTAB were materially different from those presented in this investigation. The FID evaluates the '280, '004, '103, '953, and '241 patents (collectively “the asserted patents”) and concludes that there is a violation of section 337 as to the '004 patent and no violation as to the '280, '103, '953, and '241 patents.

The FID also includes a recommended determination (“RD”) on remedy and bonding, and recommends, should the Commission find a violation of section 337, that the Commission issue: (1) a limited exclusion order (“LEO”) against Samsung with service, warranty, and repair exemptions; and (2) cease-and-desist orders (“CDOs”) against each of the Samsung respondents. The RD recommends that the Commission set the bond at zero percent (0%) during the period of Presidential review.

On July 8, 2026, the Commission published its post-RD *Federal Register* notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 91 FR 42248 (July 8, 2026). No responses from the public were filed.

On July 13, 2026, Maxell petitioned for Commission review of the FID's findings concerning non-infringement of Samsung's redesigned products as to the '004 patent, and the FID's findings as to the '103, '953, and '241 patents on the issues of claim construction, non-infringement, and the technical prong of the DI requirement. On the same day, Samsung petitioned for Commission review of the FID's findings concerning infringement, DI, invalidity, and representativeness of Maxell's DI products as to the '004 patent. Samsung also contingently petitioned for Commission review of the FID's findings as to the '280, '103, '953 and '241 patents on the issues of claim construction, infringement, the technical prong of the DI requirement, invalidity, representativeness of Maxell's DI products, and the FID's denial of Samsung's request for supplemental briefing to explain the impact of the FWD on this investigation.

On July 21, 2026, Maxell and Samsung filed responses to each other's petition for Commission review.

On August 6, 2026, Maxell and Samsung each filed statements on public interest. Maxell stated the public interest factors do not weigh against exclusion of Samsung products that infringe Maxell's asserted patents. Samsung argued that the public interest factors weigh against the issuance of a remedy.

Having reviewed the record of the investigation, including the FID and the parties' submissions, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review: (1) the entirety of the FID's findings with respect to the '004, '103, '953, and '241 patents, and (2) the FID's findings on the economic prong of the DI requirement for the '280 patent. The Commission has determined not to review the remainder of the FID.

The parties are asked to provide additional briefing on the following issues under review:

1. What is the meaning of "frame" in claim 1 of the '004 patent? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.
2. What exactly is the relationship, regardless of how large or small, between the white circle region and what the accused/DI products use to focus the camera? How are the redesigned products different? Does that relationship satisfy the "focus setting region frame" limitation? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.
3. Does the claim language "the display displays a focus setting region frame" require that the focus be set based exclusively on what is displayed, or is the claim language satisfied if the focus is set on something larger or smaller than what is displayed? Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

4. Is there any limit as to how small a “focus setting region frame” can be? Could a single pixel be a “focus setting region frame?” Please cite any applicable supporting claim language, portion of the specification, and/or extrinsic evidence.

The parties are invited to brief only the discrete issues requested above, with reference to the applicable law and the existing evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties’ existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm’n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission’s determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission’s consideration. Complainant is further requested to state the dates that the asserted patents expire, and provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions,

from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than the close of business on **September 14, 2026**. All reply submissions must be filed no later than the close of business on **September 21, 2026**. Opening submissions from the parties are limited to **50** pages. Reply submissions from the parties are limited to **30** pages. All submission from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1432) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on August 31, 2026.

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 "L.R. Barton", enclosed within a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: August 31, 2026