

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN AUDIOVISUAL
COMPONENTS AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-837

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART COMPLAINANTS' MOTION FOR
SUMMARY DETERMINATION OF IMPORTATION OF CERTAIN ACCUSED
PRODUCTS**

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. 71) of the presiding administrative law judge ("ALJ") granting-in-part complainant's motion for summary determination of importation of four accused products of Realtek Semiconductor Corporation ("Realtek") of Hsinchu, Taiwan.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted this investigation on April 17, 2012, based on a complaint filed by LSI Corporation of Milpitas, California and Agere Systems LLC of Allentown, Pennsylvania. *77 Fed. Reg.* 22803-04. The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain audiovisual components and products containing the same by reason of infringement of certain claims of the following U.S. Patent Nos: 5,870,087; 6,452,958;

6,707,867; and 6,982,663. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named several respondents including Realtek and Funai Corporation, Inc. of Rutherford, New Jersey; Funai Electric Co., Ltd. of Osaka, Japan; P&F USA, Inc. of Alpharetta, Georgia; and Funai Service Corporation of Groveport, Ohio (collectively, "Funai"). No Commission investigative attorney is participating in the investigation.

On January 29, 2013, complainants moved for summary determination of importation of the subject four accused Realtek products, three other Realtek products, and over 200 accused Funai products. Realtek did not oppose the motion with respect to the subject four accused Realtek products and opposed the motion with respect to the other Realtek products. No other responses were received.

The ALJ issued the ID at issue (Order No. 71) on March 5, 2013, granting-in-part complainants' motion for summary determination of importation of the subject four accused Realtek products. The ALJ found there was no genuine issue of material fact in dispute regarding whether or not these products have been imported.

On March 12, 2013, complainants petitioned for review of the portion of Order No. 71 denying their motion with respect to the accused Funai products. On March 19, 2013, Funai filed a response in opposition. Pursuant to Commission rules 210.24(b) and 210.42(c), the Commission finds that complainants' petition for review, which is directed only to the portion of Order No. 71 denying their motion, is not properly before the Commission prior to issuance of a final ID, unless leave for interlocutory review has been granted by the ALJ. *See* 19 C.F.R. §§ 210.24(b), 210.42(c). Complainants have not shown that leave has been granted here by the ALJ and therefore the Commission has determined not to consider their petition for review.

The Commission has also determined not to review the subject ID.

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 sections 210.42(c) and (h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.42(c) and (h).

By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: April 2, 2013