

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TELEVISIONS, REMOTE
CONTROLS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1263

**NOTICE OF A COMMISSION FINAL DETERMINATION OF NO VIOLATION OF
SECTION 337; TERMINATION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is no violation of Section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, 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 May 14, 2021, 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 Roku, Inc. of San Jose, California ("Roku"). 86 FR 26542-43 (May 14, 2021). 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 televisions, remote controls, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,378,875 ("the '875 patent") and 7,388,511 ("the '511 patent"). The complaint also alleged that a domestic industry exists or is in the process of being established. The notice of investigation named as respondents: Universal Electronics, Inc. of Scottsdale, Arizona; Gemstar Technology (Qinzhou) Co. Ltd. of Qinzhou, China; Gemstar Technology (Yangzhou) Co. Ltd of Yanzhou, China.; C.G. Development Ltd. of Kowloon, Hong Kong; Universal Electronics BV of Enschede, the Netherlands; UEI Brasil Controles Remotos Ltda. of Manaus-Amazonas-Brasil, Brazil; CG México Remote Controls, S. de R.L. de C.V. of Nuevo

Leon, Mexico; LG Electronics Inc. of Seoul, Republic of Korea; LG Electronics USA, Inc. of Englewood Cliffs, New Jersey; Samsung Electronics Co., Ltd. of Gyeonggi do, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Charter Communications, Inc. of Stamford, Connecticut; Charter Communications Operating, LLC of St. Louis, Missouri; Spectrum Management Holding Company, LLC of Stamford, Connecticut; Altice USA, Inc. of Long Island City, New York; Cablevision Systems Corp. of Bethpage, New York; Cequel Communications, LLC d/b/a Suddenlink Communications of Long Island City, New York; and WideOpenWest, Inc. of Englewood, Colorado (collectively, “Respondents”). *Id.* at 26543. The Commission’s Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

Subsequently, UEI Brasil Controles Remotos Ltda. was terminated from this investigation. Order No. 20 (Nov. 19, 2021), *unreviewed by* Comm’n Notice (Dec. 14, 2021). Also, on November 19, 2021, an initial determination issued that granted Roku’s motion for partial termination of the investigation based upon withdrawal of claim 11 of the ’875 patent. Order No. 19 (Nov. 19, 2021), *unreviewed by* Comm’n Notice (Dec. 14, 2021).

On June 24, 2022, the presiding ALJ issued an initial determination (Order No. 37) granting summary determination in part on the invalidity of the ’511 patent and granting a joint motion for the reconsideration of Motion Docket No. 1263-015. On July 1, 2022, complainant Roku filed a petition for review of Order No. 37. On July 11, 2022, respondents Universal Electronics Inc.; Gemstar Technology (Qinzhou) Co. Ltd.; Gemstar Technology (Yangzhou) Co. Ltd.; C.G. Development Ltd.; Universal Electronics BV; CG México Remote Controls, S. de R.L. de C.V.; Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; LG Electronics, Inc.; and LG Electronics USA, Inc. filed a response to Roku’s petition for review of Order No. 37.

On June 28, 2022, the ALJ issued a final ID on violation of section 337 and a recommended determination on remedy and bond. The ID held that no violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain televisions, remote controls, and components thereof with respect to claims 1–5, 8–10, and 14 of the ’875 patent and claim 5 of the ’511 patent.

The ID found that the Representative Accused Products, UEI OFA Streamer Remote (URC 7935), Charter Spectrum RF4CE Remote (URC 1160), Altice/Charter Pulse RF Remote (URC 2068), and WOW Experience Remote (URC 2135), satisfy claims 1-5, 8, and 10 of the ’875 patent. The ID also found that Representative Accused Products, Altice/Charter Pulse RF Remote (URC 2068) and WOW Experience Remote (URC 2135), satisfy claim 9 of the ’875 patent. The ID further found that it has been shown by clear and convincing evidence that the asserted claims of the ’875 and ’511 patents are invalid. The ID found that Roku’s domestic industry product does not practice any of the claims of the ’875 patent. Additionally, the ID found that Roku failed to meet its burden to show a domestic industry in the process of being established with respect to the ’875 patent. The ID also found that Roku’s domestic activities with respect to its domestic industry product do not satisfy the economic prong of the domestic

industry requirement under 19 U.S.C. 337(a)(3)(B).

On July 11, 2022, complainant Roku filed a petition for review of various portions of the final ID. Likewise, on July 11, 2022, respondents Universal Electronics Inc.; Gemstar Technology (Qinzhou) Co. Ltd.; Gemstar Technology (Yangzhou) Co. Ltd.; C.G. Development Ltd.; Universal Electronics BV; CG México Remote Controls, S. de R.L. de C.V.; Charter Communications, Inc., Charter Communications Operating, LLC, and Spectrum Management Holding Company, LLC; Altice USA, Inc., Cablevision Systems Corp., and Cequel Communications, LLC d/b/a Suddenlink Communications; and WideOpenWest, Inc. filed a contingent petition for review of the various portions of the final ID.

On July 19, 2022, Respondents filed a response to Roku's petition for review. On the same day, Roku filed its response to Respondents' contingent petition for review of the final ID. No other petitions or responses to petitions were filed.

On October 5, 2022, the Commission determined to review the subject ID in part. *See* 87 FR 61629-30 (Oct. 12, 2022). Specifically, the Commission determined to review the ID's infringement, invalidity, technical prong, and economic prong findings regarding the '875 patent and the invalidity findings regarding the '511 patent. The Commission determined not to review the remainder of the ID. The Commission also determined to review Order Nos. 30 and 37 as they related to the invalidity of the '511 patent. The Commission determined not to review the remainder of Order Nos. 30 and 37. The Commission did not request additional briefing.

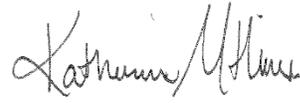
Having examined the record in this investigation, the Commission has determined to affirm, with certain modifications, the ID's finding of no violation with regard to the '875 patent and to affirm, with certain modifications, the finding of invalidity in Order Nos. 30 and 37 with regard to the '511 patent. The Commission's Opinion issued concurrently herewith provides the Commission's reasoning.

The investigation is hereby terminated with a finding of no violation.

The Commission vote for this determination took place on October 28, 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.

A handwritten signature in cursive script, appearing to read "Katherine M. Hiner".

Katherine M. Hiner
Acting Secretary to the Commission

Issued: October 28, 2022