

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1148]

Certain Integrated Circuits and Products Containing the Same; Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337 and, on Review, To Affirm the Finding of No Violation; 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 to review in part the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on May 22, 2020, finding no violation of section 337 in the above-referenced investigation and, on review, to affirm the finding of no violation. 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, DC 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 March 15, 2019, the Commission instituted Inv. No. 337-TA-1148, *Certain Integrated Circuits and Products Containing the Same* under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Tela Innovations, Inc. of Los Gatos, California (“Tela”). 84 FR 9558-59 (Mar. 15, 2019). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,943,966 (“the ‘966 patent”); 7,948,012 (“the ‘012 patent”); 10,141,334 (“the ‘334 patent”); 10,141,335 (“the ‘335 patent”); and 10,186,523 (“the ‘523 patent”). The complainant also alleges the existence of a domestic industry. The notice of investigation names as respondents

Acer, Inc. of New Taipei City, Taiwan; Acer America Corporation of San Jose, California; AsusTek Computer Inc. of Taipei, Taiwan; Asus Computer International of Fremont, California; Intel Corporation of Santa Clara, California; Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; Micro-Star International Co., Ltd. of New Taipei City, Taiwan; and MSI Computer Corp. of City of Industry, California (collectively, “Respondents”). *Id.* at 9559. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

The Commission has previously terminated the investigation as to the ‘966, ‘012 and ‘335 patents, and as to certain claims of the ‘334 and ‘523 patents. *See* Order No. 33 (Oct. 2, 2019), *unreviewed by* Notice (Oct. 22, 2019); Order No. 36 (Oct. 23, 2019), *unreviewed by* Notice (Nov. 15, 2019); and Order No. 44 (Jan. 6, 2020), *unreviewed by* Notice (Feb. 3, 2020).

On May 22, 2020, the ALJ issued his “Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond” (“ID/RD”) finding that there is no 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 integrated circuits and products containing the same, in connection with the asserted claims of the ‘334 and ‘523 patents, and that a domestic industry in the United States that practices or exploits the asserted patents does not exist.

The ID finds that Respondents directly infringe claims 1, 2, and 5 of the ‘334 patent, and that claims 1, 2, 5, and 15 of the ‘334 patent have been shown to be invalid. The ID also finds that Tela’s licensee has not been shown to practice any claims of the ‘334 patent, and that the domestic industry requirement is not satisfied with respect to the ‘334 patent. The ID finds that there is no violation of section 337 with respect to the ‘334 patent.

The ID further finds that Respondents directly infringe claims 1-11, 14-20, 25, and 26 of the ‘523 patent, and that no claims of the ‘523 patent have been shown to be invalid. The ID also finds that Tela’s licensee has not been shown to practice any claims of the ‘523 patent, and that the domestic industry requirement is not satisfied with respect to the ‘523 patent. The ID finds that there is no violation of Section 337 with respect to the ‘523 patent.

All the parties to the investigation filed petitions for review of various

portions of the ID. On June 8, 2020, OUII filed a petition seeking review of the ID’s determination not to analyze whether the asserted domestic industry claims are invalid and, contingently, seeking review of the ID’s infringement findings. Also on June 8, 2020, Respondents filed a petition contingently seeking review of the ID’s infringement and validity findings.

On June 11, 2020, Tela filed a petition seeking review of the ID’s findings concerning the validity and the technical prong of the domestic industry requirement. Tela also seeks contingent review of the ID’s infringement findings and the ID’s finding that Intel’s 45 nm process is prior art under 35 U.S.C. 102(g)(2). In addition, Tela seeks review of Order No. 30 (Sept. 4, 2019), which granted-in-part Tela’s motion for leave to supplement its contention interrogatory responses.

On June 18, 2020, the parties filed responses to the various petitions.

Having examined the record in this investigation, including the final ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID in part to correct a legal error in the ID’s domestic industry findings. On review, the Commission has determined to strike the paragraph relating to the ‘334 patent on pages 101-102 of the ID and certain sentences relating to the ‘523 patent on page 168 of the ID. The Commission takes no position on the issue of whether the asserted domestic industry claims, *i.e.*, claims 29-30 of the ‘334 patent and claims 27-28 of the ‘523 patent, are invalid. *See Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

The Commission has also determined to review the ID in part on the issue of whether Tela satisfied the economic prong of the domestic industry requirement, *see* ID at 185-188, and to take no position on this issue. *See Beloit*, 742 F.2d at 1423.

The Commission has determined not to review the remainder of the ID, including the ID’s finding of no violation of section 337 in this investigation. The Commission has also determined not to review Order No. 30. The investigation is terminated.

The Commission vote for this determination took place on September 23, 2020.

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.

Issued: September 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21421 Filed 9–28–20; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–459 and 731–TA–1155 (Second Review)]

Commodity Matchbooks From India; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the countervailing and antidumping duty orders on commodity matchbooks from India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: June 5, 2020.

FOR FURTHER INFORMATION CONTACT:

Alejandro Orozco (202–205–3177), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these reviews may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On June 5, 2020, the Commission determined that the domestic interested party group response to its notice of institution (85 FR 12334, March 2, 2020) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews

pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary’s Office will accept only electronic filings at this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on September 28, 2020, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission’s rules.

Written submissions.—As provided in section 207.62(d) of the Commission’s rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before October 5, 2020 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by October 5, 2020. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at https://www.usitc.gov/documents/handbook_

² The Commission has found the response to its notice of institution filed on behalf of domestic producer D.D. Bean & Sons Co. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

on filing procedures.pdf, elaborates upon the Commission’s procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission’s rules.

By order of the Commission.

Dated: September 23, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21395 Filed 9–28–20; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on September 15, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Skyline Communications, Izegem, BELGIUM; and Mike Coleman (individual member), Portland, OR, have been added as parties to this venture.

Also, Stordis GmbH, Stuttgart, GERMANY; and Tedial S.L., Campanillas, SPAIN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

¹ A record of the Commissioners’ votes is available from the Office of the Secretary and at the Commission’s website.