

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN ACTIVE MATRIX
ORGANIC LIGHT-EMITTING DIODE
DISPLAY PANELS AND MODULES
FOR MOBILE DEVICES, AND
COMPONENTS THEREOF

Inv. No. 337-TA-1351

**ORDER NO. 39: INITIAL DETERMINATION GRANTING COMPLAINANT'S
UNOPPOSED MOTION FOR PARTIAL TERMINATION BY
WITHDRAWAL OF CERTAIN CLAIMS OF THE ASSERTED
PATENTS**

(December 7, 2023)

On November 21, 2023, Complainant Samsung Display Co., Ltd. (“Complainant”) filed a motion (Mot. 1351-017) seeking partial termination of this investigation by withdrawal of claims 1, 5, 17, and 18 of U.S. Patent No. 7,414,599 (“the ’599 Patent”), claims 1, 7, 8, and 19 of U.S. Patent No. 9,330,593 (“the ’593 Patent”), claims 4 and 20 of U.S. Patent No. 9,818,803 (“the ’803 Patent”), claims 3, 8, and 11 of U.S. Patent No. 10,854,683 (“the ’683 Patent”), and claims 2, 6, 14, 19, 21, 23, 44, and 52 of U.S. Patent No. 11,594,578 (“the ’578 Patent”).¹ Respondents Mianyang BOE Optoelectronics Technology Co., Ltd., Injured Gadgets, LLC; Phone LCD Parts LLC, d/b/a Parts4LCD, and Wholesale Gadget Parts, Inc. do not oppose the motion. Mot. at 1. On December 1, 2023, the Commission Investigative Staff filed a response in support of the motion.

Commission Rule 210.21(a)(1) provides, in relevant part:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in

¹ Claims 3 and 11 of U.S. Patent No. 10,854,683 and claim 14 of U.S. Patent No. 11,594,578 were only asserted for domestic industry purposes and not for infringement. *Compare* Amended Complaint at ¶ 365 (identifying domestic industry claims) *with id.* at ¶ 8 (identifying infringement claims).

whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein. . . . A motion for termination of an investigation based on withdrawal of the complaint . . . shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion.

19 C.F.R. § 210.21(a).

I find that the pending motion for partial termination of this investigation based on withdrawal of part of the complaint complies with the Commission Rules. *See* Staff Resp. at 2. Specifically, the motion was made before issuance of any initial determination on violation of section 337. Moreover, Complainant certifies that, other than stipulations that have been filed on EDIS in this investigation² and a settlement agreement related to a pending motion to terminate Respondents Apt-Ability LLC d/b/a MobileSentrix and Mobile Defenders, LLC, “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” Mot. at 6. In addition, there are no extraordinary circumstances that warrant denying the motion.

Accordingly, it is my initial determination that Motion No. 1351-017 is granted. The investigation is terminated with respect to claims 1, 5, 17, and 18 of U.S. Patent No. 7,414,599, claims 1, 7, 8, and 19 of U.S. Patent No. 9,330,593, claims 4 and 20 of U.S. Patent No. 9,818,803, claims 3, 8, and 11 of U.S. Patent No. 10,854,683, and claims 2, 6, 14, 19, 21, 23, 44, and 52 of U.S. Patent No. 11,594,578.

This initial determination is hereby certified to the Commission.

² Such stipulations relate to either discovery (*see* EDIS Doc. IDs 791577, 796357, 802910), importation or sales after importation of the accused products (*see* EDIS Doc. IDs 803422, 803421, 803423, 808102, 807782), or representative products (*see* EDIS Doc. ID 808453).

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

SO ORDERED.



Bryan F. Moore
Administrative Law Judge