

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. 40: DIRECTING COMPLAINANT AND MOBILESENTRIX TO
CONFER REGARDING THE MOTION TO TERMINATE**

(December 7, 2023)

On November 16, 2023, Complainant Samsung Display Co., Ltd. (“Complainant”) and Respondents Apt-Ability LLC d/b/a MobileSentrix and Mobile Defenders, LLC (collectively, “MobileSentrix”) moved (1351-015) to terminate the investigation as to MobileSentrix. Complainant and MobileSentrix filed a revised public version of the motion on November 24, 2023. *See* EDIS Doc. ID 809203. On November 27, 2023, Respondent Mianyang BOE Optoelectronics Co., Ltd (“Mianyang BOE”) opposed the motion. *See* EDIS Doc. ID 809331. The Commission Investigative Staff (“Staff”) also opposed the motion. EDIS Doc. ID 809289 (“Staff Resp.”).

In its opposition, Staff identified several issues with the Consent Order Stipulation and Proposed Consent Order. *See* Staff Resp. at 3 (identifying two issues with the Consent Order Stipulation), *id.* at 5-6 (identifying three issues with the Proposed Consent Order). Complainant and MobileSentrix should consider Staff’s concerns. If they decide to file an amended versions of the Consent Order Stipulation and Proposed Consent Order, they should do so by December 13, 2023.

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Staff also opposes limited service of the settlement term sheet. Staff notes that “[t]he Binding Settlement Term Sheet contains provisions that appear to be relevant to public interest considerations.” *Id.* at 10. According to Staff “any prejudice to the non-settling respondents could be eliminated if movants submit a public version of the Binding Settlement Term Sheet that preserves the term sheet’s substance and redacts only genuinely confidential information.” *Id.* In the alternative, Staff suggests that the movants file a confidential version in which only the financial terms are redacted and which could be served on non-settling respondents. *Id.* at 10-11.

In light of Staff’s comments and Minyang BOE’s opposition, I direct Complainant and MobileSentry to confer regarding the redactions to the Binding Settlement Term Sheet. By December 13, 2023, Complainant and MobileSentry should either: (1) file a revised public version of the Binding Settlement Term Sheet; (2) file a confidential version of the Binding Settlement Term Sheet that can be served on the non-settling Respondents. If the movants elect this option, they must also file a declaration in support of the redactions; or (3) file a one-page statement indicating that they do not intend to file a revised version of the Binding Settlement Term Sheet. After the movants take one of these actions, Staff and Mianyang BOE should file a one-page statement as to whether they continue to oppose the motion.¹ Such statements should be filed by December 18, 2023.

Within seven days of the date of this document, the parties shall submit to the Office of the Administrative Law Judges a joint statement as to whether they seek to have any portion of this document deleted from the public version. If the parties do seek to have portions of this document deleted from the public version, they must submit to this office a copy of this document with red

¹ If Staff requires additional pages to address whether the amended versions of the Consent Order Stipulation, Proposed Consent Order, and/or the Binding Settlement Term Sheet comply with the Commission Rules, Staff may exceed this page limitation without first seeking leave.

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brackets indicating the portion or portions asserted to contain confidential business information. The submission should be emailed by the aforementioned date and need not be filed with the Commission Secretary.

SO ORDERED.



Bryan F. Moore
Administrative Law Judge