

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

Investigation No. 337-TA-1351

NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO TWO  
RESPONDENTS BASED ON A CONSENT ORDER AND CONSENT ORDER  
STIPULATION; REQUEST FOR WRITTEN SUBMISSIONS

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 43) terminating the investigation as to two respondents, Apt-Ability LLC d/b/a MobileSentry of Chantilly, Virginia, and Mobile Defenders, LLC of Caledonia, Michigan (collectively "MobileSentry"), based on a consent order stipulation and consent order. The Commission requests written submissions from the parties under the schedule set forth below.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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](mailto: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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On February 3, 2023, the Commission instituted this investigation based on a complaint filed by Samsung Display Co., Ltd. of the Republic of Korea ("Samsung"). 88 FR 7463-64 (Feb. 3, 2023). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 based upon the importation into the United States, the sale for importation, or sale within the United States after importation of certain active matrix organic light-emitting diode display panels and modules for mobile devices, and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 9,818,803; 10,854,683; 7,414,599; and 9,330,593. *Id.* The Commission's notice of

investigation, as amended, named numerous respondents, including MobileSentry, as well as Mianyang BOE Optoelectronics Co., Ltd (“Mianyang BOE”) of Sichuan, China. The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On October 26, 2023, the ALJ issued Order No. 34 terminating certain claims from the investigation. *See* Order No. 34 (Oct. 26, 2023).

On November 16, 2023, Samsung and MobileSentry collectively moved to terminate the investigation as to MobileSentry based on a consent order stipulation, proposed consent order, and a binding settlement term sheet. Mianyang BOE and OUII each filed a response in opposition of the motion.

On November 27, 2023, the Commission determined not to review Order No. 34, terminating certain claims from the investigation. Comm’n Notice (Nov. 27, 2023).

On December 7, 2023, the ALJ issued Order No. 39, terminating additional claims from the investigation. *See* Order No. 39 (Dec. 7, 2023).

Also on December 7, 2023, the ALJ issued Order No. 40 giving Samsung and MobileSentry an opportunity to address certain issues raised by Mianyang BOE and OUII as to the joint motion to terminate MobileSentry from the investigation.

On December 13, 2023, Samsung and MobileSentry filed a joint submission which included revised redactions to the binding settlement term sheet, and revised versions of the consent order stipulation and proposed consent order. Mianyang BOE filed a response stating that it no longer opposed the joint motion to terminate. OUII filed a response noting that the consent order stipulation and proposed consent order identify claims that are no longer in this Investigation, but otherwise did not oppose the motion to terminate.

On December 20, 2023, the ALJ granted the joint motion to terminate the investigation as to MobileSentry. Order No. 43. The ID found that the revised consent order stipulation complied with the requirements of 19 CFR 210.21(c)(3) and the revised proposed consent order complied with the requirements of 19 CFR 210.21(c)(4). *Id.* at 2-4. The ID further found no public interest concerns weighing against termination of the investigation as to MobileSentry. *Id.* at 4-5. Order No. 43 noted that the proposed consent order included claims that were no longer asserted in the investigation. No party filed a petition for review of the subject ID.

On January 8, 2024, the Commission determined not to review Order No. 39, terminating certain additional claims from the investigation. Comm’n Notice (Dec. 7, 2024).

The Commission has determined to review the subject ID (Order No. 43). In connection with its review, the Commission requests responses to the following question and Samsung and MobileSentry are requested to jointly file a revised proposed consent order.

1. Please address whether claims terminated from the investigation in Order No. 34 and/or Order No. 39 should be included in any consent order that issues

terminating MobileSentry from the investigation. Samsung and MobileSentry are directed to submit a revised proposed consent consistent with their position.

Any revised proposed consent order should include a revised jurisdictional paragraph that replaces current paragraph 15 with “Respondents admit all jurisdictional facts alleged.” 19 CFR 210.21(c)(4)(xi).

**WRITTEN SUBMISSIONS:** The parties to the investigation are requested to file written submissions on the question identified in this notice. The initial written submissions and revised proposed consent order must be filed no later than close of business on February 5, 2024. Reply submissions must be filed no later than the close of business on February 12, 2024. No further submissions on this issue will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337-TA-1351”) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on January 26, 2024.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: January 26, 2024