



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1193]

Certain Capacitive Touch-Controlled Mobile Devices, Computers, and Components

Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 14, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Neodron Ltd. of Ireland. Letters supplementing the complaint were filed on February 19 and 21 and March 2, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain capacitive touch-controlled mobile devices, computers, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,821,425 (“the ’425 patent”); U.S. Patent No. 7,903,092 (“the ’092 patent”); U.S. Patent No. 8,749,251 (“the ’251 patent”); and U.S. Patent No. 9,411,472 (“the ’472 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington,

D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2559.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 16, 2020, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) 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 products identified in paragraph (2) by reason of infringement of one or more of claims 25-40 of the '425 patent; claims 1-12 of the '092 patent; claims 1-9 and 16-20 of the '251 patent; and claims 1-6 and 13-23 of the '472 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "touch-controlled smartphones, touch-controlled tablet devices, touch-controlled notebook computers, touch-controlled laptop computers, and components thereof";

(3) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Neodron Ltd.
Unit 4-5
Burton Hall Road, Sandyford
Dublin 18, D18A094, Ireland

(b) The respondents are the following entities alleged to be in violation of section 337, and is/are the parties upon which the complaint is to be served:

Amazon.com, Inc.
410 Terry Avenue North
Seattle, WA 98109
Apple Inc.

One Apple Park Way
Cupertino, CA 95014

ASUSTeK Computer Inc.
No. 15, Li-Te Road
Beitou District, Taipei 112, Taiwan

ASUS Computer International
48720 Kato Road
Fremont, CA 94538

LG Electronics Inc.
LG Twin Tower 128
Yeoui-daero, Yeongdeungpo-gu
Seoul, Republic of Korea 07336

LG Electronics USA, Inc.
1000 Sylvan Avenue
Englewood Cliffs, NJ 07632

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Motorola Mobility LLC
222 W. Merchandise Mart Plaza,
Suite 1800
Chicago, IL 60654

Samsung Electronics Co., Ltd.
129 Samsung-Ro
Maetan-3dong, Yeongtong-gu
Suwon, 443-742, South Korea

Samsung Electronics America, Inc.
85 Challenger Road
Ridgefield Park, NJ 07660

Sony Corporation
1-7-1 Konan Minato-ku
Tokyo, 108-0075, Japan

Sony Mobile Communications Inc.
4-12-3 Higashi-Shinagawa, Shinagawa-ku
Tokyo, 140-0002, Japan

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 16, 2020.

Lisa Barton,
Secretary to the Commission.