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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1441]

Certain Glass Substrate for Liquid Crystal Displays, Products Containing the Same, and Methods for Manufacturing II; Notice of a Commission Determination to Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part a final initial determination ("FID") of the presiding administrative law judge ("ALJ"), finding a violation of section 337 of the Tariff Act of 1930, as amended. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: B. Rashmi Borah, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2518. 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: The Commission instituted this investigation on March 7, 2025, based on a complaint filed by Corning Incorporated of Corning, New York ("Complainant"). 90 Fed. Reg. 11549-50 (Mar. 7, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337

("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 glass substrates for liquid crystal displays, products containing the same, and methods for manufacturing the same by reason of the infringement of certain claims of U.S. Patent No. 8,642,491 ("the '491 patent"), U.S. Patent No. 8,640,498 ("the '498 patent") (together, "the Asserted Patents"), and U.S. Patent No. 7,851,394 ("the '394 patent"). *Id.* at 11549. The complaint further alleges that a domestic industry ("DI") exists. *Id.* The notice of investigation names nine respondents: (1) Caihong Display Devices Co., Ltd., d/b/a Irico Display Devices Co., Ltd. of Xianyang City, Shaanxi Province, China ("Caihong"); (2) Hisense USA Corporation of Suwanee, Georgia; (3) HKC Corporation Ltd. of Shenzhen City, Guangdong Province, China; (4) HKC Overseas Ltd. of Hong Kong; (5) LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; (6) TCL China Star Optoelectronics Technology Co., Ltd. of Shenzhen City, Guangdong Province, China ("CSOT"); (7) TTE Technology, Inc., d/b/a TCL North America of Irvine, California ("TCL"); (8) VIZIO, Inc. of Irvine, California; and (9) Xianyang CaiHong Optoelectronics Technology Co., Ltd. of Xianyang City, Shaanxi Province, China ("CHOT"). *Id.* The Office of Unfair Import Investigations is not named as a party to this investigation. *Id.*

The Commission previously terminated several respondents from the investigation based on settlement agreements. Order No. 24 (July 15, 2025), *unreviewed by* Comm'n Notice (Aug. 6, 2025) (HKC Corporation Ltd. and HKC Overseas Ltd.); Order No. 28 (Sept. 10, 2025), *unreviewed by* Comm'n Notice (Sept. 30, 2025) (VIZIO, Inc.); Order No. 29 (Sept. 30, 2025), *unreviewed by* Comm'n Notice (Dec. 8, 2025) (LG Electronics U.S.A., Inc.); Order No. 57 (Mar. 24, 2026), *unreviewed by* Comm'n Notice (Apr. 20, 2026) (Hisense USA Corporation). Accordingly, four respondents remain in the investigation: Caihong, CSOT, CHOT, and TCL (collectively, "Respondents").

On December 22, 2025, the Commission terminated the investigation as to the '394 patent and claim 2 of the '491 patent. Order No. 35 (Dec. 2, 2025), *unreviewed by* Comm'n

Notice (Dec. 22, 2025).

The ALJ held an evidentiary hearing from January 6 through January 8, 2026. As of the evidentiary hearing, claims 3, 6, 8, and 12 of the '491 patent and claims 2, 3, 5, 6, and 9 of the '498 patent were still at issue.

On April 7, 2026, the ALJ issued the FID, finding a violation of section 337 with respect to each of the remaining asserted claims of the Asserted Patents. Specifically, the FID finds that the "615 Accused Products" infringe all of the remaining asserted claims, but that the "616 Accused Products" do not infringe any of the remaining asserted claims. The FID further finds that the remaining asserted claims are not invalid for indefiniteness, lack of written description, or lack of enablement under 35 U.S.C. § 112. The FID also finds that the remaining asserted claims are not invalid under 35 U.S.C. § 103 for obviousness. The FID further finds that the remaining asserted claims of the '498 patent are not invalid for obviousness-type double patenting. The FID also finds that the Asserted Patents are not unenforceable for inequitable conduct or patent misuse. Finally, the FID finds that Complainant has satisfied both the technical prong and the economic prong of the DI requirement under subsection 337(a)(3)(B).

The FID also includes the ALJ's Recommended Determination ("RD") on remedy and bond, should the Commission find a violation of section 337. The RD recommends issuing a limited exclusion order barring entry of infringing products and also recommends including a standard certification provision. The RD also notes that Complainant requests a cease and desist order against TCL only, but recommends not issuing a cease and desist order against TCL or any other of Respondents. Finally, the RD recommends that the Commission set of a bond rate of zero percent (0%) of the value of infringing articles imported during the period of Presidential review.

On April 20, 2026, Respondents petitioned for review of certain of the FID's findings that the asserted claims of the Asserted Patents are not invalid for indefiniteness and or lack of written description, as well as the FID's finding that the '498 patent is not invalid for

obviousness-type double patenting. On April 28, 2026, Complainant submitted a response to Respondents' petition.

On May 7, 2026, Complainant filed a public interest statement pursuant to Commission Rule 210.50(a)(4), 19 C.F.R. § 210.50(a)(4). On May 8, 2026, Respondents submitted their public interest statement pursuant to Commission Rule 210.50(a)(4), 19 C.F.R. § 210.50(a)(4). No submissions were filed in response to the post-RD *Federal Register* notice. *See* 91 Fed Reg 18478-79 (Apr. 10, 2026).

Having reviewed the record of the investigation, including the FID, the parties' submissions to the ALJ, and the petition for review and response thereto, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID's findings that: (1) the claim term "mole percent on an oxide basis" is not indefinite and (2) Complainant has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(B).

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that

an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on **June 22, 2026**. All reply submissions must be filed no later than the close of business on **June 29, 2026**. Opening submissions from the parties are limited to **25** pages. Reply submissions from the parties are

limited to **10** pages. All submission from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues 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 pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1441) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/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 with the Commission and served on any parties to the investigation within two business days of any confidential filing. 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 June 8, 2026.

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: June 8, 2026.

Lisa Barton,

Secretary to the Commission.

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