

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OUTDOOR AND SEMI-OUTDOOR
ELECTRONIC DISPLAYS, PRODUCTS
CONTAINING SAME, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1331

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AND ON REVIEW,
AFFIRM, AN INITIAL DETERMINATION GRANTING IN PART SUMMARY
DETERMINATION OF NON-INFRINGEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and, on review, affirm the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 21) granting in part summary determination of non-infringement.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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 September 23, 2022, based on a complaint filed on behalf of Manufacturing Resources International, Inc. ("Complainant") of Alpharetta, Georgia. 87 FR 58132-33 (Sept. 23, 2022). 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, and the sale within the United States after importation of certain outdoor and semi-outdoor electronic displays, products containing same, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,854,595 ("the '595 patent"); 9,173,322 ("the '322 patent"); 9,629,287 ("the '287 patent"); 10,506,740 ("the '740 patent"); and 11,013,142 ("the '142

patent”). The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named seven (7) respondents, including: Samsung Electronics Co., Ltd. of Gyeonggi-do, Republic of Korea; Samsung SDS Co. Ltd. of Seoul, Republic of Korea; Samsung SDS America and Samsung Electronics America, Inc., both of Ridgefield Park, New Jersey (collectively, “Samsung”); Coates Visual LLC (“Coates Visual”) of Chicago, Illinois; Coates Signco Pty Limited (“Coates Signco”) of Sydney, Australia; and Industrial Enclosure Corporation d/b/a Palmer Digital Group (“Palmer Digital”) of Aurora, Illinois. The Office of Unfair Import Investigations is not participating in the investigation.

On November 10, 2022, the Commission terminated this investigation as to respondent Coates Visual and permitted Complainant to amend its complaint to add Coates US Inc. of Chicago, Illinois (“Coates US”) as a respondent. Order No. 6 (Oct. 24, 2022), *unreviewed by* Comm’n Notice (Nov. 10, 2022). The Commission terminated the following claims from the investigation: claims 13, 16, and 18 of the ’595 patent; claims 1, 2, 7, and 16 of the ’322 patent; claims 1-11, 13, 15, 17-19 and 21-23 of the ’287 patent; claims 2-3, 6, 8, 10, 13, 15-18, and 20 of the ’740 patent; and claims 1-5, 7-9, and 11-15 of the ’142 patent. Order No. 36 (July 1, 2023), *unreviewed by* Comm’n Notice (Aug. 9, 2023). The Commission also determined not to review an ID granting summary determination that the economic prong of the domestic industry was satisfied. Order No. 19 (June 15, 2023), *unreviewed by* Comm’n Notice (July 17, 2023).

On April 27, 2023, respondents Samsung, Coates Signco, Coates US, and Palmer Digital (collectively, the “Moving Respondents”) filed a motion and supporting memorandum for summary determination of non-infringement (the “Motion”) for products, one set of which is unaccused in the investigation and a second set of which are accused, but with respect to a different set of claims. On May 8, 2023, Complainant filed a response. On May 11, 2023, the Moving Respondents filed a reply.

On June 5, 2023, the Commission terminated this investigation as to respondents Samsung SDS Co. Ltd., Samsung SDS America Inc., Coates Signco, and Coates US. Order Nos. 10-11 (May 4, 2023), *unreviewed by* Comm’n Notice (June 5, 2023). Three respondents remain active in this investigation: Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Palmer Digital (collectively, “Respondents”).

On June 20, 2023, the presiding ALJ issued the subject ID (Order No. 21) pursuant to Commission Rule 210.18 (19 CFR 210.18), granting in part a motion for summary determination of non-infringement filed by Respondents with respect to: 1) a first set of unaccused products identified in the Motion and 2) certain products in a second set which are accused in this investigation, but with respect to a different set of claims.¹

¹ After the subject ID was issued, the Commission terminated a number of claims at issue in the ID and therefore, the ID’s findings as to those claims are moot. *See* Order No. 36 (July 1, 2023), *unreviewed by* Comm’n Notice (Aug. 9, 2023).

Having examined the record of this investigation, including the parties' submissions and the subject ID, the Commission has determined to review and, on review, to affirm the subject ID as to those claims that remain asserted in this investigation.^{2, 3}

The Commission vote for this determination took place on September 11, 2023.

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: September 11, 2023

² Commissioner Kearns agrees with affirming the ID, including because no party petitioned for review. However, he notes that application of the so-called *Oligosaccharides* factors is highly dependent on the facts of record in a particular investigation, and will closely examine the issues raised by this ID with respect to future applications of the *Oligosaccharides* factors to “alternative” products and to claims that were not asserted with respect to a product that was an accused product for other asserted claims. *See Certain Human Milk Oligosaccharides & Methods of Producing the Same*, Inv. No. 337-TA-1120, Comm’n Op. at 18, 2020 WL 3073788, at *9 (May 19, 2020) (listing four factors used to determine whether adjudication of infringement by redesigned and alternative products is appropriate).

³ Commissioner Stayin would vacate the grant of summary determination and reverse the ID’s determination that the products at issue were eligible for adjudication of infringement. In his view, the Commission’s resources are best served by not adjudicating infringement of either set of products at issue under the *Oligosaccharides* framework. *See id.*