

defaulting respondents' accused products have been imported into the United States and that a domestic industry exists in the United States with respect to the '031 patent. No petitions for review of the ID were filed. The ALJ also issued a Recommended Determination on Remedy and Bonding, recommending that, if the Commission finds a section 337 violation, the Commission issue a general exclusion order and impose a bond of 100 percent during the period of Presidential review.

On March 19, 2018, the Commission determined to review in part the ID. 83 FR 12812 (Mar. 23, 2018). Specifically, the Commission determined to review (1) the ID's findings on the technical prong of the domestic industry requirement to correct a typographical error and (2) the ID's findings on the economic prong of the domestic industry requirement. The Commission determined not to review the remaining issues decided in the ID. The Commission requested additional briefing from the parties on the issues under review and also invited the parties, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding.

On April 2, 2018, PopSockets and OUII filed initial written submissions in response to the Commission's notice. On April 4, 2018, non-party Quest USA Corporation ("Quest") filed a written submission. On April 11, 2018, PopSockets filed a reply to Quest's submission. Also on that day, OUII filed a reply to the submissions of PopSockets and Quest.

Having examined the record of this investigation, including the ID and the various submissions, the Commission has determined to affirm, on modified grounds, the ID's finding of a section 337 violation. The Commission affirms the ID's finding that the complainant satisfied the technical prong of the domestic industry requirement with the modification of a citation to "Mem. Ex. 2 (Kemnitzer Decl.) at ¶ 77 (Infringement Analysis and Chart)" at page 107 of the ID to "Mem. Ex. 2 (Kemnitzer Decl.) at ¶ 61 (Analysis and Chart)." The Commission affirms, with modified reasoning set forth in the opinion issued concurrently herewith, the ID's finding with respect to the economic prong of the domestic industry requirement under section 337(a)(3)(B), but takes no position with respect to subsections (A) and (C) (19 U.S.C. 1337(a)(3)(A), (B), (C)). The Commission finds that the statutory requirements for relief under section 337(g)(2) (19 U.S.C. 1337(g)(2)) are

satisfied with respect to the defaulting respondents. In addition, the Commission finds that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the statutory relief.

The Commission has determined the appropriate remedy is a general exclusion order prohibiting the unlicensed importation of certain collapsible sockets that infringe one or more of claims 9–12 of the '031 patent. The Commission has also determined to set a bond in the amount of 100 percent of the entered value of the infringing products imported during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

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 14, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018–13192 Filed 6–19–18; 8:45 am]

**BILLING CODE 7020–02–P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337–TA–1044]**

### **Certain Graphics Systems, Components Thereof, and Consumer Products Containing the Same; Commission Determination To Review in Part a Final Initial Determination Finding a Section 337 Violation; Target Date Extension and Schedule for Filing 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 in part a final initial determination ("FID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 the Tariff Act of 1930, as amended; and extend the target date by five business days from August 15, 2018, to August 22, 2018.

**FOR FURTHER INFORMATION CONTACT:** Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202)

708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be 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 SW, Washington, DC 20436, telephone (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>. 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 Investigation No. 337–TA–1044 on March 22, 2017, based on a complaint filed by Complainants Advanced Micro Devices, Inc. of Sunnyvale, California and ATI Technologies ULC of Canada (collectively, "AMD" or "Complainants"). See 82 FR 14748 (Mar. 22, 2017). The complaint, as amended, 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 graphics systems, components thereof, and consumer products containing the same, by reason of infringement of certain claims of U.S. Patent No. 7,633,506 ("the '506 patent"); U.S. Patent No. 7,796,133 ("the '133 patent"); U.S. Patent No. 8,760,454 ("the '454 patent"); and U.S. Patent No. 9,582,846 ("the '846 patent"). *Id.* The notice of investigation identified LG Electronics, Inc. of Seoul, Republic of Korea, LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey, and LG Electronics MobileComm U.S.A. Inc. of San Diego, California (collectively, "LG"), VIZIO, Inc. ("VIZIO") of Irvine, California, MediaTek Inc. of Hsinchu City, Taiwan and Media Tek USA Inc. of San Jose, California (collectively, "MediaTek"), and Sigma Designs, Inc. ("SDI") of Fremont, California, as respondents in this investigation. See *id.* The Office of Unfair Import Investigations (OUII) is also a party to the investigation.

On October 20, 2017, the ALJ issued an initial determination terminating the investigation as to LG based on settlement. See Order No. 48 (Oct. 20, 2017), *unreviewed*, Comm'n Notice (Nov. 13, 2017). The remaining respondents in this investigation are

VIZIO, MediaTek, and SDI (hereinafter, “the Remaining Respondents”). The ALJ also terminated the investigation with respect to all asserted claims of the ‘454 and ‘846 patents; claims 6, 7, and 9 of the ‘506 patent; and claims 2, 4–13, and 40 of the ‘133 patent. See Order No. 33 (Aug. 15, 2017), *unreviewed*, Comm’n Notice (Sept. 5, 2017); Order No. 43 (Oct. 5, 2017), *unreviewed*, Comm’n Notice (Oct. 31, 2017); Order No. 49 (Oct. 20, 2017), *unreviewed*, Comm’n Notice (Nov. 13, 2017); Order No. 53 (Oct. 31, 2017), *unreviewed*, Comm’n Notice (Nov. 28, 2017). Claims 1–5 and 8 of the ‘506 patent and claims 1 and 3 of the ‘133 patent (hereinafter, “the asserted claims”) remain pending in this investigation.

On April 13, 2018, the ALJ issued her FID finding a violation of section 337 with respect to the ‘506 patent but not the ‘133 patent. Specifically, the FID finds that: (1) Certain accused products infringe the asserted claims of the ‘506 patent but not the ‘133 patent; (2) the asserted claims are not invalid; and (3) Complainants satisfy the economic and technical prongs of the domestic industry requirement with respect to both asserted patents. In addition, the ALJ recommended that the Commission issue: (1) a Limited Exclusion Order against the infringing accused products; and (2) Cease and Desist Orders against Respondents VIZIO and SDI. The ALJ further recommended against setting a bond during Presidential review.

The Commission has determined to review the FID in part. In particular, the Commission has determined to review the claim constructions of the terms: “unified shader” (recited in the ‘506 and ‘133 patent claims), “packet” (recited in the ‘133 patent claims), and “ALU/memory pair” (recited in the ‘133 patent claims). In view of the Commission’s claim construction review, the Commission will also review the relevant FID’s findings with respect to infringement, validity, and technical prong of the domestic industry requirement. Furthermore, the Commission has determined to review whether the importation requirement is satisfied with respect to Respondents MediaTek and SDI. The Commission has determined not to review the remainder of the FID. The Commission has also determined to extend the target date by five business days from August 15, 2018, to August 22, 2018.

In connection with the review, the parties are requested to brief their positions with reference to the applicable law and the evidentiary record regarding the questions provided below:

1. Consistent with the specification of the ‘506 patent (JX–1) and with the patentee’s statements during the prosecution of the ‘506 patent (JX–2) distinguishing Zhu U.S. Patent No. 6,697,063 at JX–2.387–388, the Commission proposes to construe the term “unified shader” to mean “a single shader circuit capable of performing color shading and texture coordinate shading, wherein the single shader circuit may not include separate dedicated hardware blocks that perform separate color and texture operations, and wherein texture coordinate shading may include texture address operations, indirect texturing, and bump mapping performed by the unified shader to modify texture coordinates.” In view of the Commission’s proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission’s proposed construction; and (2) whether and why the Commission’s proposed construction affects the FID’s infringement and invalidity analyses with respect to the ‘506 patent.

2. Consistent with the specification of the ‘133 patent (JX–2) and with the patentee’s statements during the prosecution of the ‘133 patent (JX–4) distinguishing Donham U.S. Patent No. 6,980,209 at JX–4.240–41 and JX–4.272, the Commission proposes to construe the term “unified shader” to mean “a single shader circuit capable of performing color shading and texture coordinate shading, wherein the single shader circuit may not include separate dedicated hardware blocks that perform separate color and texture operations, and wherein texture coordinate shading may include texture address operations, indirect texturing, and bump mapping performed by the unified shader to modify texture coordinates.” In view of the Commission’s proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission’s proposed construction; and (2) whether and why the Commission’s proposed construction affects the FID’s infringement and invalidity analyses with respect to the ‘133 patent.

3. Consistent with the specification of the ‘133 patent (JX–3) and with the patentee’s statements during the prosecution of the ‘133 patent (JX–4) distinguishing Morgan U.S. Patent No. 6,384,824 at JX–4.89, the Commission proposes to construe the term “packet” to mean “data bundle containing texture coordinate and color value information for one or more pixels, wherein said information is received simultaneously by the unified shader,” *i.e.*, in the same packet rather than serially as suggested

by Complainants. In view of the Commission’s proposed construction, please explain: (1) Whether and why you agree or disagree with the Commission’s proposed construction; and (2) whether and why the Commission’s proposed construction affects the FID’s infringement and invalidity analyses with respect to the ‘133 patent.

4. Consistent with the specification of the ‘133 patent (JX–3), the Commission proposes to modify the FID’s interpretation with respect to the scope of the term “ALU/memory pair” to clarify that it does not exclude control logic or circuitry. In view of the Commission’s proposed interpretation, please explain: (1) Whether and why you agree or disagree with the Commission’s proposed interpretation; and (2) whether and why the Commission’s proposed interpretation affects the FID’s infringement and invalidity analyses with respect to the ‘133 patent.

In addition, in connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) 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 (Dec. 1994) (Comm’n Op.).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or 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 or disapprove the Commission's action. 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 questions 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. Complainants and OUI are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the asserted patents expire and the HTSUS numbers under which the accused products are imported. Complainants are further requested to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on June 28, 2018. Reply submissions must be filed no later than the close of business on July 6, 2018. Initial written submissions may not exceed 50 pages in length, exclusive of any exhibits, while reply submissions may not exceed 25 pages in length, exclusive of any exhibits. 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 and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1044") 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. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. 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,<sup>[1]</sup> solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 14, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-13191 Filed 6-19-18; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-567]

### Generalized System of Preferences: Possible Modifications, 2017 Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of amendment of scope of investigation.

**SUMMARY:** Following receipt on June 6, 2018 of a correction to the United States

<sup>[1]</sup> All contract personnel will sign appropriate nondisclosure agreements.

Trade Representative's (USTR) request letter of May 18, 2018, the U.S. International Trade Commission (Commission) has amended the scope of its investigation No. 332-567, Generalized System of Preferences: Possible Modifications, 2017 Review, and will treat ferroniobium, nesoi, from Brazil, provided for in subheading 7202.93.80 of the Harmonized Tariff Schedule, as having been listed in Table E of the Annex to the USTR's request letter instead of Table D. As a result, the Commission will also provide advice for this article with respect to whether a like or directly competitive article was being produced in the United States in any of the preceding three calendar years.

#### DATES:

June 4, 2018: Deadline for filing requests to appear at the public hearing.

June 7, 2018: Deadline for filing pre-hearing briefs and statements.

June 14, 2018: Public hearing.

June 21, 2018: Deadline for filing post-hearing briefs and statements.

June 21, 2018: Deadline for filing all other written submissions.

September 7, 2018: Transmittal of Commission report to the USTR.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. 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:

Information specific to this investigation may be obtained from Sabina Neumann, Project Leader, Office of Industries (202-205-3000 or [sabina.neumann@usitc.gov](mailto:sabina.neumann@usitc.gov)), Mark Brininstool, Deputy Project Leader, Office of Industries (202-708-1395 or [mark.brininstool@usitc.gov](mailto:mark.brininstool@usitc.gov)), or Marin Weaver, Technical Advisor, Office of Industries (202-205-3461 or [marin.weaver@usitc.gov](mailto:marin.weaver@usitc.gov)). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission